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To: Ching Wah Chin, Chairman and the Town of Ossining Planning Board

From: Charles Utschig, PE – Langan Engineering

Info: Cc: Nelson Pope Voorhis
Valerie Monastra, AICP
Kathy Zalantis, Esq. Town of Planning Board Attorney
John Hamilton, Town of Ossining Building Inspector
Dan Ciarcia PE, Town of Ossining Planning Board Engineer

Date: April 28, 2021

Re: Final Subdivision Plat Approval
Stormytown Road Subdivision
Ossining, New York
Langan Project No.: 190065801

On behalf of the applicant, Chocolate Sky, the following is an itemized response to the following comment letters:

1. Nelson Pope Voorhis comments in a memorandum dated April 5, 2021.
2. Ciarcia Engineering, P.C. comments in a memorandum dated August 19, 2020.
3. Ciarcia Engineering, P.C. comments in a memorandum dated October 7, 2020.

(Comments are italicized and our responses are in bold text):

Response to Comments received from Nelson Pope Voorhis dated April 5, 2021.

SEQR and Procedural Comments

Comment 1: Prior Approvals. This Property received Preliminary Subdivision Approval on October 2, 2019 from the Planning Board. However, the Planning Board Site Plan Application submitted in December 2019 has another owner and applicant listed. A new application needs to be submitted.

Response: **Enclosed with this letter is a new Planning Board Site Plan Application with the current applicant.**

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Comment 2: SEQR. A Negative Declaration was issued on October 2, 2019. The new Applicant will need to confirm that the revised plan does not exceed any of the environmental thresholds for which the Negative Declaration was issued.

Response: Enclosed with this letter is a SEQR memorandum demonstrating that the revised plan does not exceed any of the environmental thresholds.

Comment 3: Public Hearing. A public hearing was held on October 7, 2020 and remains open.

Response: Comment noted.

Comments on Revised Site Plan and Comparison to Prior Site Plan

The comments below highlight the changes in the revised plan and how it compares to the prior plan.

Comment 1: The revised site plan reduces the number of units from ten (10) lots to nine (9) lots. While this reduction in lots is a result of the inclusion of a stormwater management system, the Applicant is now no longer obligated to provide the Town of Ossining an affordable housing unit per Section 200-33 of the zoning code.

Response: Comment noted. No action necessary.

Comment 2: The revised site plan includes sidewalks along the cul-de-sac but does not include sidewalks as requested previously by the Planning Board along Stormytown Road. Does the Board want the Applicant to consider the inclusion of sidewalks on Stormytown Road as part of the revised plan?

Response: The final subdivision drawings was revised to include a sidewalk along Stormytown Road only.

Comment 3. The revised site plan will result in the additional removal of 104 trees compared to the prior plan, for a total of 218 trees removed. The revised landscaping plan is not detailed and does not provide enough information to determine if it will meet the requirements of Chapter 183, Trees. The Applicant needs to provide a more detailed landscape plan including plant/tree species (both common and scientific name). Please refer to the Planning Board's Landscaping Best Practices (see attached).

Response: The preliminary subdivision drawings identified 199 trees within the limit of disturbance to be removed for 114 trees to be removed. The revised subdivision drawings show an additional 13 trees to be removed for a total tree removal count of 212 trees. Refer to Sheets CD101 and CD102 for additional information.

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Comment 4: The prior plan included a rain garden by Stormytown Road for the outlet of the culverted stream. This has been removed from the revised plans. Does the Board want the Applicant to consider the inclusion of a rain garden as part of the revised plan?

Response: The NYSDEC requirements do not permit rain gardens to receive surface runoff from roadways. Rain gardens are also not intended to receive and treat large watershed areas. Therefore, the rain garden has been removed from the latest subdivision drawings and replaced with an infiltration basin and underground infiltration chambers designed in conformance with the NYSDEC requirements.

Comment 5: The revised plan includes a new stormwater management system. More details on that system need to be provided including what type of system is it, the proposed landscaping, how the system will be managed, and the easements that will be required because it will encroach into lot #4. A new draft SWPPP will need to be provided for review by the Town Engineer.

Response: The final subdivision approval drawings include three underground infiltration chambers to treat Lots 1, 2, and 4 and an infiltration basin to treat Lots 5 through 9 and the proposed roadway. A stormwater easement is proposed around the infiltration basin. The proposed roadway and associated stormwater management infrastructure, including the infiltration basin, will be dedicated to the Town as discussed with the Highway Superintendent according to the memorandum prepared by Ciarcia Engineering, P.C. dated October 21, 2020. The Planting Plan was revised to show proposed tree locations along the perimeter of the basin for illustration purposes. Enclosed with this letter is a revised SWPPP dated April 28, 2021 for the Town Engineer's review.

Comment 6: There appears to be additional disturbance associated with the revised site plan. Please provide the information on the proposed cut and fill.

Response: The revised limit of disturbance is approximately 4.0 acres as shown on Sheet CE101 which is consistent with the limit of disturbance area in the preliminary drawings.

Comment 7: New retaining walls are identified on the revised site plan. Additional details on the retaining walls should be provided.

Response: Segmental block retaining walls are proposed at Lots 1 and 9. A retaining wall with a stone veneer is proposed along the eastern perimeter of the infiltration basin. A segmental block retaining wall and stone veneer retaining wall detail were added to Sheet CS502 for illustration purposes only. The owner shall retain a NYS licensed professional to prepare signed

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and sealed design drawings with calculations for all the proposed retaining walls.

Comment 8: Drawing C202 shows “trees, brush to be removed and land to be cut as necessary to clear sight distance for subdivision main road or other property.” Based on the drawings, clearing or land cutting will be required on property outside of the project Site. Will this take place in a Right of Way or on private property? Please provide additional details on the cutting and removal required and its proposed location.

Response: The locations of the Rinaldi Road intersection and proposed residential driveways are at the same locations as the preliminary drawings. The proposed tree clearing and land cutting will be done within the right-of-way for sight distance purposes as approved in the preliminary drawings. The line of sight west of Rinaldi Road has already been cleared.

Outstanding Adherence to Resolution Conditions

The October 2, 2019 preliminary plat approval resolution contains a number of conditions that need to be finalized prior to Final Subdivision Plat Approval. The conditions set forth in the resolution were based on the prior plan. However, the conditions that are still applicable are listed below.

Comment 1. *The Final Subdivision Plat application shall contain detailed engineering information, including but not limited to the types of engineering information shown on the Preliminary.*

- *The completion of this condition should be confirmed by the Planning Board Engineer.*

Response: Detailed engineering information can be found in the final subdivision approval drawings titled “Subdivision Approval Drawings for Stormytown Road Subdivision,” prepared by Langan, last revised April 28, 2021.

Comment 2. *Subdivision Plat Drawings. All such engineering information shall be prepared to the satisfaction of the Planning Board Engineering Consultant. Such information shall address matters including but not limited to:*

- a. *Label the radius of centerline curves.*

Response: Refer to Sheet CS101 for the centerline curve radii.

- b. *Provide a profile of the proposed road.*

Response: Refer to Sheet CG201 for the proposed roadway profile.

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- c. *A comprehensive Stormwater Pollution Prevention Plan (SWPPP) will be required to demonstrate that the increase in runoff resulting from the proposed road and homes will be mitigated.*

Response: **A revised SWPPP Report dated April 28, 2021 is enclosed with this letter.**

- d. *The total disturbed area associated with the project shall be posted on the plans.*

Response: **Refer to Sheet CE101 for the limit of disturbance area of 4.0 acres.**

- e. *Provide details of all the proposed improvements.*

Response: **Refer to Sheets CS501, CS502, and CS503 for construction details of the proposed improvements.**

- f. *Provided a water main profile and details.*

Response: **Refer to Sheets CU201 for the water main profile. Refer to CS503 for the water main details.**

- g. *Post the size and material of the existing and proposed water main.*

Response: **The project proposes an 8 inch ductile iron pipe class 52 water main along Rinaldi Road. The existing water main along Stormytown Road is a 12 inch cement lined cast iron pipe. Refer to Sheet CU101.**

- h. *Show the location of all water and sewer services.*

Response: **The water and sewer services for the proposed residential lots are shown on Sheet CU101.**

- i. *Label hydrant locations and confirm with the Fire Department*

Response: **The Fire Department deferred to the Water Department for hydrant location approval. The final subdivision approval drawings includes a second fire hydrant near Station 3+75 along the proposed road which is within the 500' hydrant spacing required by the Water Department. Refer to CU101 for additional information.**

- j. *Clearly indicate what utilities are existing and proposed.*

Response: **Refer to CG101 and CU101 for existing and proposed utilities.**

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k. *Clarify where the proposed trench drains discharge to.*

Response: **The revised site plan does not show any proposed trench drains.**

l. *Indicate where the runoff from the first 300 feet of the proposed road is directed.*

Response: **The first 300 feet of the proposed road will be collected by two catch basins located near the northern property line. From there, runoff will be conveyed to the proposed infiltration basin located along the eastern property line. Refer to Sheet CG101 for additional information.**

m. *Verify that the proposed residence on Lot #4 can comply with average building height requirements.*

Response: **The proposed grading around the residence on Lot 4 was revised to comply with the building height requirements. Refer to Sheet CG101 for additional information.**

n. *The main site drainage system shall be directed to the existing water course.*

Response: **The discharge pipe for the infiltration basin is now directed towards the existing water course. Refer to Sheet CG101 for additional information.**

o. *Silt fence shall be installed parallel to contours. There appear to be some gaps in the silt fence that shall be addressed.*

Response: **Sheet CE101 shows silt fence following the 50-foot water course buffer which is not always parallel to the contours. This is intended to provide additional protection for the water course. Otherwise, the silt fence shown is generally parallel to the contours.**

p. *Driveway grading shall be revised to show a crown.*

Response: **The driveways are graded at a 2% cross slope instead of a crown to avoid having two drainage structures at the property line. Refer to CG101 for additional information.**

The completion of this condition should be confirmed by the Planning Board Engineer.

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Comment 3. A note shall be included on the Final Subdivision Plat drawings which indicates that all utilities, including electric lines, telephone lines, cable TV lines, etc. shall be located underground.

Response: A note was added to Sheet CS101 indicating that all utilities shall be located underground.

Comment 4. The Applicant shall specifically identify on the Final Plat which requirements of the Subdivision Regulations the Applicant is proposing to have waived (for example, sidewalks, street lights, etc.).

Response: The applicant is requesting for a waiver for the sidewalks and street light requirements along the proposed road per the Subdivision Regulations. The applicant is proposing to construct a sidewalk at Stormytown Road. A note was added to Sheet CS101.

Final Subdivision Plat Approval shall be conditioned upon the Applicant receiving approval from the Westchester County Department of Health for the proposed water supply and sewage disposal facilities. This condition shall be added to the Final Subdivision Plat Approval.

Response: Comment noted.

Outstanding Final Subdivision Plan Approval Comments

Comment 1. It is recommended that the Applicant meet all conditions of the Preliminary Subdivision Plat Approval prior to the Planning Board granting Final Subdivision Plat Approval.

Response: Comment noted.

Comment 2. Additional Subdivision Provisions. The Planning Board will need to consider if the proposed subdivision will meet the requirements of the Subdivision Regulations, Section 176-8, Required Improvements, and Section 176-20, Parks and playgrounds; natural factors; reserve strips.

Response: Regarding Section 176-8, the applicant is requesting for final subdivision approval under the condition that the improvement and performance bond be filed with the Town prior to beginning construction. Regarding Section 176-20, the applicant is requesting to waive showing parks and recreational areas on the final subdivision approval drawings and agrees to pay a recreation fee to the Town as a condition of approval.

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Response to Board of Architectural Review/Planning Board Landscape Recommendations dated April 5, 2021

- Comment 1. Plant Species
- a. No landscaping plans should include any plant species that falls onto the following lists:
 - i. Lower Hudson Prism Tier 3 and 4 Species Index:
<https://www.lhprism.org/species-information>
 - ii. New York State Department of Environmental Protection Prohibited or Regulated Species list:
http://www.dec.ny.gov/docs/lands_forests_pdf/isprohibitedplants2.pdf
 - b. All landscaping plans should consider the inclusion of plantings listed in the Native Plant Resources Guide:
<https://www.townofossining.com/cms/publications/all-documents/environmental-advisory-committee/2281-native-plant-resource-guide/file>

Response: The plant species proposed in the revised Planting Plan are the same species previously approved in the preliminary subdivision drawings. Refer to LA101 for additional information.

- Comment 2. Plant Locations – Plantings should be considered in the following locations:
- a. Along the side, rear and front property boundaries to create visual screening and/or curbside appearance.
 - b. Along the front façade of a building to enhance curbside appearance.
 - c. Any vegetative islands within a parking lot or driveway or buffer strips proposed on a Site Plan.

Response: Proposed planting locations as shown on the revised Planting Plan generally follow the plant location guidelines listed above. Refer to Sheet LA101 for additional information.

Response to Comments received from Ciarcia Engineering, P.C. dated October 7, 2020.

There were several comments related to the engineering plans enumerated in my August 19, 2020. A revised set of engineering plans were received today and will be reviewed.

Response: Comment noted.

The applicant needs to provide a plat for review.

Response: Enclosed with this comment letter is the subdivision plat prepared by TC Merritts Land Surveyors.

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Add the location of the proposed infiltration practices to slope map to verify compliance with the NYSDEC regulations.

Response: The infiltration practices are referenced into the slopes analysis plan. Refer to Sheet CA101 for additional information.

Add maximum height dimension and structural details for the retaining wall proposed in the ROW. Calculations to ensure the stability of the proposed wall should be provided.

Response: The proposed retaining walls are just outside the ROW. Maximum wall heights are shown on CS101. Retaining wall details shown on CS502 are for illustration purposes only. The owner shall retain a NYS licensed professional to prepare calculations and signed and sealed design drawings for all the retaining walls.

The proposed section through the retaining wall is inconsistent with the grading plan.

Response: The retaining walls and proposed grading were revised on the latest grading and drainage plan. Refer to CG101 for additional information.

Rain garden detail shall be coordinated with engineering plans. Who will be responsible for maintenance of the proposed landscaping.

Response: The NYSDEC requirements do not permit rain gardens to receive surface runoff from roadways. Rain gardens are also not intended to receive and treat large watershed areas. Therefore, the rain garden has been removed from the latest subdivision drawings and replaced with an infiltration basin and underground infiltration chambers designed in conformance with the NYSDEC. According to a memorandum prepared by Ciarcia Engineering, P.C. dated October 21, 2020, the Highway Superintendent has no objection to accepting the proposed road and associated stormwater improvements if they are properly designed and constructed.

Response to Comments received from Ciarcia Engineering, P.C. dated August 19, 2020

ARQHT Plans

Comment 1. Configuration of the driveways and other features should be consistent with the engineering plans (Sheet S1).

Response: The final subdivision approval drawings enclosed with this letter is intended to replace both the architectural and engineering plan sets. The ARQHT plans are no longer applicable for this application.

Comment 2. Add the location of the proposed infiltration practices to slope map to verify

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compliance with the NYSDEC regulations.

Response: The infiltration practices are referenced into the slopes analysis plan. Refer to Sheet CA101 for additional information.

Comment 3. Add maximum height dimension and structural details for the retaining wall proposed in the ROW.

Response: The proposed retaining walls are just outside the ROW. Maximum wall heights are shown on CS101. Retaining wall details shown on CS502 are for illustration purposes only. The owner shall retain a NYS licensed professional to prepare calculations and signed and sealed design drawings for all the retaining walls.

Fusion Engineering Plans

Comment 1. Change pen for existing contour text to make more readable.

Response: The existing contour text was enlarged by 20% for legible purposes.

Comment 2. Increase the pavement radius where the proposed road meets Stormytown Road. Modifications to the drainage system will be required to accommodate the changes.

Response: The pavement radius where the proposed road meets Stormytown Road was increased to 25'. Modifications to drainage system were made accordingly. Refer to Sheet CS101 and CG101 for additional information.

Comment 3. Increase the driveway radius for lot 1.

Response: The driveway radius for Lot 1 was increased to 10'. Refer to Sheet CS101 for additional information.

Comment 4. Maintenance responsibilities for the stormwater practices treating runoff from the proposed road should be clarified.

Response: According to a memorandum prepared by Ciarcia Engineering, P.C. dated October 21, 2020, the Highway Superintendent has no objection to accepting the proposed road and associated stormwater improvements if they are properly designed and constructed.

Comment 5. The location of the sanitary sewer line should be more clearly depicted on sheet 6.

Response: The existing sanitary sewer line is shown on Sheet CU101.

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Comment 6. The size and material of the existing water and sewer utilities should be labeled on the plans.

Response: The existing water main along Stormytown Road is a 12" diameter cement lined cast iron pipe. There is an existing 8" sewer main that runs through the site from north to south. Refer to CU101 for additional information.

Comment 7. Have the plans been presented to the Fire Department? The cul-de-sac length is more than 700 feet in length exceeding the recommended spacing for fire hydrants. An additional hydrant near station 2+00 is recommended.

Response: The Fire Department deferred to the Water Department for hydrant location approval. The final subdivision approval drawings includes a second fire hydrant near Station 3+75 along the proposed road which is within the 500' hydrant spacing required by the Water Department. Refer to CU101 for additional information.

Comment 8. The property line of the residence west of the proposed subdivision along Stormytown Road should be shown to confirm the feasibility of the proposed sight line clearing.

Response: The adjacent property line west of the proposed roadway is shown on Sheet CG202. Clearing along the sight line west of the proposed road has already been completed.

Comment 9. Provide a subdivision plat for review.

Response: Enclosed with this comment letter is the subdivision plat prepared by TC Merritts Land Surveyors.

Comment 10. The existing sewer easement should be shown on sheet 9. The metes and bounds of the edge of pavement is shown on the easement plan. Is the road proposed to be private and maintained by an HOA?

Response: The metes and bounds of the existing sewer easement is noted on the subdivision plat prepared by TC Merritts Land Surveyors. According to a memorandum prepared by Ciarcia Engineering, P.C. dated October 21, 2020, the Highway Superintendent has no objection to accepting the proposed road and associated stormwater improvements if they are properly designed and constructed.

Comment 11. Are easements proposed for the stormwater practices treating runoff originating from the road?

Response: A drainage easement was added around the proposed infiltration basin. Refer to Sheet CS101 for additional information.

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Comment 12. Label the horizontal and vertical scales of the profiles shown on sheets 11 & 12.

Response: Horizontal and vertical scales were added to roadway, driveway, sight distance, and water main profiles.

Comment 13. Show all drainage crossing on the water and sewer profiles.

Response: Drainage crossings were added to the water main profile. Refer to Sheet CU101 for additional information.

Comment 14. All water and sewer taps should be shown on the plans. Material, diameter, and location of proposed sewer clean outs and water curb stops.

Response: Water and sewer tap details are shown on Sheet CS501. Refer to CU101 for material, size, and location of proposed water and sewer service lines.

Comment 15. No curbing is proposed along Rinaldi Road. The plans show grass swales along the road and cross over pipes under the driveways.

Response: The roadway was revised to include curbing along Rinaldi Road as shown on Sheet CS101. Catch basins are proposed along the road to collect and convey surface runoff to the proposed infiltration basin.

Comment 16. The typical road section should indicate a minimum of 8" of item 4 subbase.

Response: The typical driveway section was revised to note a minimum of 8 inches of item 4 subbase. Refer to Sheet CS501 for additional information.

Comment 17. Provide a detail for sanitary sewer saddle tap.

Response: Sanitary sewer lateral connection detail is shown on Sheet CS503.

Comment 18. Confirm the water service tap detail with the Village of Ossining Water Department.

Response: Water service tap detail is shown on CS503. The applicant will request for approval from the Village of Ossining Water Department concurrently with the submission to the Westchester County Department of Health.