

September 24, 2018

Katherine Zalantis, Esq.
Silverberg Zalantis, LLP
120 White Plains Road #305
Tarrytown, NY 10591
zalantis@szlawfirm.net

Re: Proposed Subdivision – Tree Replacement
37 Croton Dam Road
Ossining, New York

Dear Ms. Zalantis,

We are writing on behalf of Valerie A and Paul E Schemmer, owners of 41 Croton Dam Road, and Val and Michella Santucci, owners of 37 Croton Dam Road, who are collectively the Applicant of a proposed subdivision of the two existing parcels (the “Property”). The subdivision application is currently pending before the Town of Ossining Planning Board for preliminary subdivision approval, steep slope permit approval, and tree protection permit approval.

Proposed Subdivision

37 Croton Dam Road (parcel ID 89.08-1-82) is an existing 3.2-acre parcel containing two existing single-family residences, accessory structures and a single driveway providing access from Croton Dam Road. 41 Croton Dam Road (parcel ID 89.08-1-81) is an existing 1.8-acre vacant parcel. The Applicant proposes to subdivide the Property to create two additional lots for a total of four parcels. Proposed Lots 1 and 2 would generally divide the existing 37 Croton Dam Road parcel into two lots, with each containing one of the existing single-family residences. Lots 1 and 2 would continue to share the existing driveway from Croton Dam Road. Lots 3 and 4 would generally divide the 41 Croton Dam Road parcel, together with a portion of the parcel from 37 Croton Dam Road, into two lots. Lots 3 and 4 have been designed to accommodate a new residence on each parcel that would share a proposed driveway from Croton Dam Road.

Ms. Katherine Zalantis, Esq.

Re: 37-41 Croton Dam Road Subdivision – Tree Removal

September 24, 2018

Page 2

Proposed Tree Removal

The existing Property contains approximately 256 trees with an aggregate diameter of 2,806 inches. In order to construct the proposed new residences and associated shared driveway, utilities, and stormwater management facilities on Lots 3 and 4 approximately 101 trees (with an aggregate diameter of 1,072 inches) would be removed. Approximately 155 trees (with an aggregate diameter of 1,734 inches) would be maintained.

In accordance with the Town of Ossining Tree Protection Law (Section 183-12G) subdivision applications shall *meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement.* The proposed removal of trees with an aggregate diameter of 1,072 inches would require a tree replacement equaling 536 inches.

The Applicant has proposed a landscape plan that includes planting of 133 new trees within the proposed limit of disturbance. The proposed aggregate diameter of the new trees would be approximately 324 inches.¹ This would result in a proposed deficit of approximately 212 inches. Based on replacement trees with a diameter of 2.5 inches at installation, this would require approximately 85 additional trees.

Proposed Landscape Plan

As shown on the attached Landscape Plan, the Applicant believes that the 133 new trees in combination with the existing 155 trees to be maintained, proposed shrubs would provide adequate visual interest and adequate screening from within and outside of the proposed new lots. As discussed with the Planning Board, in the applicant's opinion, planting additional trees would not be practicable, and would result in the loss of existing and proposed lawn areas that are important parts of the landscape plan for the existing and future homeowners.

Per Section 183-12G of the tree protection law, *Tree replacement shall be required on site unless the approving authority determines that, because of site constraints, it is impracticable or impossible to fully meet this mitigation requirement on site. In such case, upon the establishment of a tree bank and/or a tree bank fund by resolution of the Town Board, the approving authority may consider the off-site mitigation of planting in the tree bank or the payment of a fee to the tree bank fund to satisfy the unmet portion of the tree replacement requirement. Implementation of any off-site planting plan shall require prior approval by the Town Board.*

¹ Based upon 30 proposed deciduous trees with a diameter at installation of 3 inches each, 56 evergreen trees with a diameter at installation of 2.5 inches each and 47 flowering/ornamental trees with a diameter at installation of 2 inches each.

Ms. Katherine Zalantis, Esq.

September 24, 2018

Re: 37-41 Croton Dam Road Subdivision – Tree Removal

Page 3

The Applicant respectfully requests that the Town Board consider discussing the establishment of a tree bank fund and determination of a fee to satisfy the unmet portion of the tree replacement requirement currently under review by the Planning Board in connection with the proposed subdivision.

We appreciate your continued consideration of this matter.

Very truly yours,

DIVNEY TUNG SCHWALBE, LLP



Gerhard M. Schwalbe, P.E.
Partner

Enclosures

cc: V. Schemmer
Chairman Ching Wah Chin and Members of the Planning Board