

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

**SANTUCCI AND SCHEMMER
RESOLUTION OF MINOR SUBDIVISION PLAT APPROVAL**

WHEREAS, Val and Michella Santucci and Valerie A. and Paul E. Schemmer (the "Applicants" and "Owners") have applied for Minor Subdivision Plat, Steep Slope Permit and Tree Removal Permit Approvals to subdivide two (2) existing lots into four (4) lots (the "Project" or "Proposed Action"); and

WHEREAS, the subject lots are 37 and 41 Croton Dam Road and are identified on the Town of Ossining tax maps as 89.08-1-82 and 89.08-1-81, respectively (the "Site" or "Subject Property"); and

WHEREAS, the property is a total of 5.05 acres in size and is located in an R-15 zoning district; and

WHEREAS, existing on 37 Croton Dam Road are two (2) single-family homes and the lot known as 41 Croton Dam Road is vacant; and

WHEREAS, the Applicant proposes to subdivide the two (2) existing lots into four (4) lots for a total of four (4) single-family homes (two (2) existing homes and two (2) new homes); and

WHEREAS, relative to the New York State Environmental Quality Review Act (SEQRA), the Planning Board deems the Proposed Action to be an Unlisted Action and has circulated the Board's intent to be Lead Agency and has received no objection thereto from the other Involved Agencies; and

WHEREAS, the Applicants submitted an application form dated May 29, 2018, a letter from Gerhard M. Schwalbe, PE dated September 24, 2018 (constituting the Steep Slope Permit application); various other letters from Gerhard M. Schwalbe, PE; a Full Environmental Assessment Form dated May 29, 2018; and the following drawings generally entitled, "37-41 Croton Dam Road, Town of Ossining, New York, Application for Subdivision Approval" prepared by Divney Tung Schwalbe, LLP, and last revised September 24, 2018 :

1. SP-0.0, "Preliminary Subdivision Plan."
2. SP-1.0, "Site Layout Plan."
3. SP-2.0, "Site Engineering Plan."
4. SP-3.1, "Landscape Plan."
5. SP-4.1, "Site Details."
6. SP-4.2, "Site Details."

7. SP-5.0, "Tree Removal Plan."
8. SP-5.1, "Erosion & Sediment Control Plan & Details."
9. "SP-6.0, "Steep Slopes."
10. SP-7.0, "Driveway Profiles" (the ten (10) drawings listed above constitute the "Subdivision Drawings"); and

WHEREAS, the Applicants also submitted a survey entitled, "Topography of Property Prepared for Lots 81 and 82 Situate in the Town of Ossining, Westchester County, New York," prepared by TC Merritts Land Surveyors and prepared on February 14, 2018; and

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 Chapters 167, 176, 183 and 200 of the Ossining Town Code; and

WHEREAS, the Planning Board referred the applications for Steep Slope Permit and Tree Removal Permit Approvals to the Town Environment Advisory Committee (EAC) for its advisory opinion(s) and has given due consideration to said opinion(s); and

WHEREAS, over 30 days ago the Planning Board referred the subdivision application to the Westchester County Planning Board in accordance with Section 239-I of the General Municipal Law; and

WHEREAS, the Westchester County Planning Board has not responded to the above mentioned referral to-date; 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 minor subdivision plat was held on October 17, 2018 during which all persons interested were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), and based upon the review of the Environmental Assessment Form and all of the application materials that have been submitted for this action, the Planning Board hereby adopts a Negative Declaration for the Proposed Action for the following reasons and thereby finds that this Project will have no significant adverse impact on the environment:

1. The Proposed Action will not have a significant adverse environmental impact with respect to the construction on, or physical alteration of, the land surface of any properties. The land surface of the Project area will be conserved as much as reasonably practical during construction of the proposed homes and driveways. The Proposed Action will not involve the

excavation or removal of more than 1,000 tons of natural material. The Applicant has provided a detailed Erosion and Sediment Control Plan to minimize and control erosion. The Project will not involve construction on land where depth to the water table is less than three feet. The Proposed Action is not located within a Coastal Erosion Hazard area.

2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms. There are no unique or unusual land forms present in the Project area. The Project area is not adjacent to any geological feature listed as a registered National Natural Landmark.
3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies. The Proposed Action will not result in the alteration of, or encroachment into any existing wetland, water body, shoreline or beach. The Proposed Action will not create any new water body, and will not result in an increase or decrease of the surface area of any body of water. There will be no dredging in the Project area. The Proposed Action will not include construction of any intake for withdrawal of water from surface water, or the construction of any outfall for discharge of wastewater to surface water.

The Applicant has provided a detailed Erosion and Sediment Control Plan to ensure that there is no erosion of the soil, or creation of a source of stormwater discharge that leads to siltation or other degradation of receiving water bodies. The Project does not involve excavation, mining or dredging during construction, and will not create turbidity in any water body, either from upland erosion, runoff or by disturbing bottom sediments. There will be no application of pesticides or herbicides in or around any water body by the Project. The Project will not affect the water quality of any water bodies within or downstream of the Site. The wastewater generated by the Project is within the capacity of existing treatment facilities.

4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer. The Project will not require new water supply wells or septic systems, as the existing public water supply and sewage disposal systems can accommodate the expected needs of the new homes.

Land uses of this type are not associated with the discharge of contaminants into aquifers or other ground water sources. There will be no bulk storage of petroleum or chemicals on-Site. The Project does not include or require wastewater discharged to ground water, and is not located within 100 feet of potable drinking water or irrigation sources.

5. The Proposed Action will not have a significant adverse environmental impact with respect to drainage or the development of lands subject to flooding. The Project will not result in development in a designated floodway, a 100-year floodplain or a 500-year floodplain. There

will be no modification of existing drainage patterns or any change to water flows that will contribute to flooding.

6. The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source. There is no State-regulated air emission source associated with the Proposed Action. The Project does not require Federal or State air emission permits and will not emit one or more greenhouse gases at or above the following levels:

- a. More than 1,000 tons/year of carbon dioxide (CO₂)
- b. More than 3.5 tons/year of nitrous oxide (N₂O)
- c. More than 1,000 tons/year of carbon equivalent of perfluorocarbons (PFCs)
- d. More than 0.045 tons/year of sulfur hexafluoride (SF₆)
- e. More than 1,000 tons/year of carbon dioxide equivalent of Hydrochloroflourocarbons (HFCs) emissions
- f. More than 43 tons/year or more of methane

The Project will not generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants, or reach 50% of any of these thresholds. The Project will not require a State air registration, or produce an emissions rate of total contaminants that exceed 5 lbs. per hour, or include a heat source capable of producing more than 10 million BTUs per hour, or reach 50% of any of these thresholds. Also, the Proposed Action will not result in the combustion or thermal treatment of more than one ton of refuse per hour.

7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna. The Project will not cause a significant reduction in the population or the loss of any threatened or endangered species, listed by New York State or the Federal government, as there is no such species in the Project area. The Project will not result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the Federal government, as the Project area is not a habitat for such species. The Project will not cause a reduction in the population of any species of special concern or conservation need, as listed by New York State or the Federal government, because there are no such species that use the Site, or are found on, over or near the Site.

The Project area is not registered as a National Natural Landmark. The Project will not result in the removal of, or ground disturbance in, any portion of a designated significant natural community. There are no predominant species that occupy or use the Project area for nesting/breeding, foraging or over-wintering. The Proposed Action does not require the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources because the Project Site does not contain agricultural resources, and there are no agricultural uses in the immediate vicinity.
9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources. The Project area does not contain any scenic or aesthetic resources. The Project area is not visible from any officially designated Federal, State or local scenic or aesthetic resource. The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally or year round. The Project will not diminish the public enjoyment or appreciation of any aesthetic resource.
10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources. There are no known historic or archaeological resources in the Project area. The Project area is not wholly or partially within, or substantially contiguous to, any building, archaeological Site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. In addition, the Project area is not wholly or partially within, or substantially contiguous to, any area designated as sensitive for archaeological Sites on the NY State Historic Preservation Office (SHPO) archaeological Site inventory. The Proposed Action will not occur wholly or partially within, or substantially contiguous to, any known archaeological Site included on the NY SHPO inventory.
11. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource as designated in any adopted municipal open space plan. The Town of Ossining has not designated the Project area as open space. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.
12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental area (CEA) because there are no Critical Environmental areas in or adjacent to the Project.
13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems. The additional traffic generated by the two new homes will not significantly impact the surrounding roadways. The Proposed Action will not result in a drop in the Level of Service of surrounding roadways. The Proposed Action will not degrade existing transit access or existing pedestrian/bicycle accommodations.
14. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy. The existing energy infrastructure would

continue to serve the Project area and enough surplus exists to meet potential demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting. Noise impacts associated with the new homes will be limited to temporary impacts generated during construction. These impacts will be mitigated by limiting the hours of construction. In addition, there are no significant noise impacts anticipated post-construction. The Proposed Action is not anticipated to generate any noxious odors.
16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants. The Project area is free of any known existing contamination, is not undergoing remediation and there are no new contamination sources or hazardous waste associated with the Proposed Action.
17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans. The Project is located in the R-15 One Family Residence District of the Town, and single-family homes are a permitted use in the district. The Proposed Action will not cause the permanent population of the Town to grow by more than 5% as two single-family residences are proposed to be created by the Project. The Proposed Action is supported by existing infrastructure and no secondary development impacts are proposed or expected.
18. The Proposed Action will not have a significant adverse environmental impact upon community services or as a result of being inconsistent with the existing community character. The Proposed Action is consistent with the existing community character. The Proposed Action will not replace or eliminate existing facilities, structures, areas of historic importance to the community, or create significant adverse demand for additional community services (e.g., schools, police and fire), as the capacity of existing community services are expected to be adequate; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Minor Subdivision Plat Approval to the Project as expressed on the Subdivision 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 by the Planning Board Chairman, the following conditions shall be fulfilled to the satisfaction of the Planning Board:**
 - a. A Subdivision Plat prepared by a Licensed Land Surveyor (the "Subdivision Plat") shall be prepared by the Applicant and shall be submitted to the Planning Board for review by the Board and its consultants, and for approval by the Board. The Subdivision Plat shall bear all pertinent and appropriate notes and elements from the Subdivision Drawings.

- b. The Subdivision Drawings and the Subdivision Plat shall be such that they meet the satisfaction of the Planning Board's Engineering Consultant, including but not necessarily limited to the fulfillment of the comments in his memorandum dated October 3, 2018 and any subsequent memorandum(s), and said plans shall thereafter be endorsed by said Engineer.
- c. The Subdivision Plat shall be endorsed by the Westchester County Department of Health indicating the Department's approval of the water supply and sewage disposal facilities.
- d. The Applicant shall submit a letter from the Village of Ossining which confirms the adequacy of the municipal water system to serve the proposed lot(s).
- e. The Applicant shall submit a statement signed by the Town Receiver of Taxes that indicates that all taxes due on the Subject Property have been paid.
- f. 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 analysis 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.

In accordance with Section 200-51.A(1)(b) of the Zoning Law and Chapter A203, Fees, of the Town Code, the Applicant shall submit to the Town a recreation fee for the one (1) additional home in the amount required by the Ossining Town Code at the time of the signing of the Subdivision Plat by the Planning Board Chairman.

- g. All outstanding application review fees, including consultant review and legal fees shall be paid in full.
- h. The following conditions shall be fulfilled to the satisfaction of the Town Planner:
 - (1) Section 183-12.G of the Tree Protection chapter of the Town Code provides:

"G. In connection with all subdivision and site plan applications, the project 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. 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."

The letters to the Planning Board and to the Planning Board Counsel from Gerhard M. Schwalbe, PE dated September 24, 2018 essentially state:

- a. 1,072 caliper inches of trees would be removed for this subdivision requiring the replacement of 536 caliper inches of trees.
- b. 324 caliper inches of trees are proposed to be planted on-site leaving a deficit in the tree replacement requirement of 212 caliper inches. Using an average caliper of 2.5 inches results in a deficit of approximately 85 trees.
- c. The Applicant proposes to satisfy the unmet portion of the tree replacement requirement by requesting that the Town Board allow a payment to be made to the Town Tree Bank Fund.

The above mentioned letters state that the proposed deciduous trees will be 3 inches in diameter at installation and that the proposed flowering trees would be 2 inches in diameter. However, the Landscape Plan states that the deciduous trees will be 2.5 to 3 inches in diameter and that the flowering trees will be 2.5 inches in diameter. These two sources of information shall be reconciled and the letters and/or Landscape Plan shall be revised accordingly.

Further, the Applicant shall make a payment into the Town Tree Bank Fund in an amount to be determined by the Ossining Town Board.

- (2) A note stating that, "There shall be no direct driveway access to Lots #1 and #3 from Croton Dam Road" shall be provided on the Subdivision Drawings and Subdivision Plat.
- (3) Sight distance measurements for the existing and proposed driveways shall be provided.
- (4) The lot lines and the boundaries of the various easement areas for all four (4) lots shall be shown with bearings and distances (metes and bounds) on the Subdivision Plat. Further, legal easements and maintenance agreements shall be submitted for the review and approval of the Town Attorneys for

eventual filing. In addition, the Subdivision Drawings and Subdivision Plat shall denote the lots which benefit from the respective driveway easement areas.

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 for periods of ninety (90) days each in which the requirements must be fulfilled and said plat is to be submitted for signature if, in its opinion, the particular circumstances warrant such extension(s).

- 2. Prior to the issuance of Building Permits for Lots 3 and 4 the Applicant shall:**
 - a. The Applicant shall secure Architectural Approval from the Architectural Review Board for the home on each lot.
 - b. The Applicant shall submit to the Planning Board the legal easements and driveway maintenance agreement(s) pertaining to all four (4) lots which have been filed in the Westchester County Clerk's Office (Division of Land Records) and evidence of said filing.
- 3. The following are general conditions which shall be fulfilled as the Project progresses to completion:**
 - a. The Applicant shall be responsible for the payment of all application review costs, including consultant review and legal fees, 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 therefor 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. All construction on this Project shall be in accordance with best management practices.
- e. No portion of this approval by the Planning Board shall take effect until all conditions herein are met.

Resolution Adopted: November 7, 2018

December 5, 2018
Date


Ching Wah Chin, Chairman
Town of Ossining Planning Board

cc: Daniel A. Ciarcia, PE
John D. Hamilton
Katherine Zalantis, Esq.
David H. Stolman, AICP, PP

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

**SANTUCCI AND SCHEMMER
RESOLUTION OF TREE REMOVAL PERMIT APPROVAL**

WHEREAS, Val and Michella Santucci and Valerie A. and Paul E. Schemmer (the "Applicants" and "Owners") have applied for Minor Subdivision Plat, Steep Slope Permit and Tree Removal Permit Approvals to subdivide two (2) existing lots into four (4) lots (the "Project" or "Proposed Action"); and

WHEREAS, the subject lots are 37 and 41 Croton Dam Road and are identified on the Town of Ossining tax maps as 89.08-1-82 and 89.08-1-81, respectively (the "Site" or "Subject Property"); and

WHEREAS, the property is a total of 5.05 acres in size and is located in an R-15 zoning district; and

WHEREAS, existing on 37 Croton Dam Road are two (2) single-family homes and the lot known as 41 Croton Dam Road is vacant; and

WHEREAS, the Applicant proposes to subdivide the two (2) existing lots into four (4) lots for a total of four (4) single-family homes (two (2) existing homes and two (2) new homes); and

WHEREAS, relative to the New York State Environmental Quality Review Act (SEQRA), the Planning Board deems the Proposed Action to be an Unlisted Action and has circulated the Board's intent to be Lead Agency and has received no objection thereto from the other Involved Agencies; and

WHEREAS, the Applicants submitted an application form dated May 29, 2018, a letter from Gerhard M. Schwalbe, PE dated September 24, 2018 (constituting the Steep Slope Permit application); various other letters from Gerhard M. Schwalbe, PE; a Full Environmental Assessment Form dated May 29, 2018; and the following drawings generally entitled, "37-41 Croton Dam Road, Town of Ossining, New York, Application for Subdivision Approval" prepared by Divney Tung Schwalbe, LLP, and last revised September 24, 2018 :

1. SP-0.0, "Preliminary Subdivision Plan."
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10. SP-7.0, "Driveway Profiles" (the ten (10) drawings listed above constitute the "Subdivision Drawings"); and

WHEREAS, the Applicants also submitted a survey entitled, "Topography of Property Prepared for Lots 81 and 82 Situate in the Town of Ossining, Westchester County, New York," prepared by TC Merritts Land Surveyors and prepared on February 14, 2018; and

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 Chapters 167, 176, 183 and 200 of the Ossining Town Code; and

WHEREAS, the Planning Board referred the applications for Steep Slope Permit and Tree Removal Permit Approvals to the Town Environment Advisory Committee (EAC) for its advisory opinion(s) and has given due consideration to said opinion(s); and

WHEREAS, a public hearing on this matter was held on October 17, 2018 during which all persons interested were given an opportunity to be heard; and

WHEREAS, on November 7, 2018, and in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), the Planning Board adopted a Negative Declaration for the Proposed Action, thereby finding that this Project will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board taking into account the purpose and findings set forth in Section 183-2 of the Tree Protection Chapter of the Town of Ossining Code, hereby finds that:

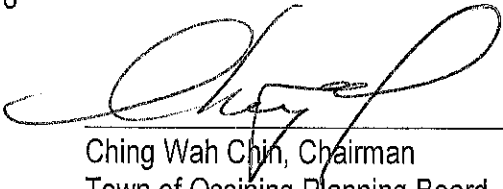
1. The proposed tree removal is consistent with the purpose and findings of the Tree Protection Chapter of the Town of Ossining Code.
2. The proposed tree removal will not have a deleterious effect on the health, safety or general welfare of the residents of the Town of Ossining or its neighboring communities.
3. The physical condition of the tree(s) proposed for removal (species, size and health) have been identified with regard to their relative value of preservation.
4. The disturbance will not negatively affect any ecological systems, or the relationship to the surrounding vegetation and habitat, and will not create potential for erosion or sedimentation.

5. The disturbance or removal of existing vegetation will not negatively affect the historical context or the scenic resources of the surrounding community.
6. The disturbance or removal of existing vegetation due to utility placement will not negatively affect, spoil the symmetry, or otherwise mar the appearance of a tree or trees, other than those proposed to be removed.
7. The proposed tree removal will have adequate safeguards for the protection and preservation of the environment.
8. There are no practicable alternatives to the tree removal; and

BE IT FURTHER RESOLVED, that the Project is hereby granted Tree Removal Permit Approval subject to the following conditions and modifications and any other requirements which must be met by law:

After approval by the Planning Board, the Tree Removal Permit Approval is valid for the duration of the construction of the Project. All permits shall expire upon completion of the work specified herein. Permits may be renewed by the Planning Board. The standards for issuance of renewals may, at the discretion of the Planning Board, be the same as for the issuance of the original permit.

Resolution Adopted: November 7, 2018

December 5, 2018 
Date Ching Wah Chin, Chairman
Town of Ossining Planning Board

cc: Daniel A. Ciarcia, PE
John D. Hamilton
Katherine Zalantis, Esq.
David H. Stolman, AICP, PP

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

**SANTUCCI AND SCHEMMER
RESOLUTION OF STEEP SLOPES PERMIT APPROVAL**

WHEREAS, Val and Michella Santucci and Valerie A. and Paul E. Schemmer (the "Applicants" and "Owners") have applied for Minor Subdivision Plat, Steep Slope Permit and Tree Removal Permit Approvals to subdivide two (2) existing lots into four (4) lots (the "Project" or "Proposed Action"); and

WHEREAS, the subject lots are 37 and 41 Croton Dam Road and are identified on the Town of Ossining tax maps as 89.08-1-82 and 89.08-1-81, respectively (the "Site" or "Subject Property"); and

WHEREAS, the property is a total of 5.05 acres in size and is located in an R-15 zoning district; and

WHEREAS, existing on 37 Croton Dam Road are two (2) single-family homes and the lot known as 41 Croton Dam Road is vacant; and

WHEREAS, the Applicant proposes to subdivide the two (2) existing lots into four (4) lots for a total of four (4) single-family homes (two (2) existing homes and two (2) new homes); and

WHEREAS, relative to the New York State Environmental Quality Review Act (SEQRA), the Planning Board deems the Proposed Action to be an Unlisted Action and has circulated the Board's intent to be Lead Agency and has received no objection thereto from the other Involved Agencies; and

WHEREAS, the Applicants submitted an application form dated May 29, 2018, a letter from Gerhard M. Schwalbe, PE dated September 24, 2018 (constituting the Steep Slope Permit application); various other letters from Gerhard M. Schwalbe, PE; a Full Environmental Assessment Form dated May 29, 2018; and the following drawings generally entitled, "37-41 Croton Dam Road, Town of Ossining, New York, Application for Subdivision Approval" prepared by Divney Tung Schwalbe, LLP, and last revised September 24, 2018 :

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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 Chapters 167, 176, 183 and 200 of the Ossining Town Code; and

WHEREAS, the Planning Board referred the applications for Steep Slope Permit and Tree Removal Permit Approvals to the Town Environment Advisory Committee (EAC) for its advisory opinion(s) and has given due consideration to said opinion(s); and

WHEREAS, a public hearing on this matter was held on October 17, 2018 during which all persons interested were given an opportunity to be heard; and

WHEREAS, on November 7, 2018, and in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), the Planning Board adopted a Negative Declaration for the Proposed Action, thereby finding that this Project will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board taking into account the purpose and findings set forth in Section 167-1 of the Steep Slope Protection Chapter of the Town of Ossining Code, hereby finds that:

1. The Planning Board has adopted a Negative Declaration for the Proposed Action for the reasons stated above and thereby finds that this Project will have no significant adverse impact to the environment.
2. The Planning Board has given due consideration to any identified alternatives concerning the Proposed Action.
3. The proposed activity is suitable to the area for which it is proposed.
4. The proposed activity protects steep slopes to the maximum extent practicable.

5. The Planning Board does not believe that there are any additional technical improvements, safeguards or other mitigation measures that could feasibly be added to the proposal; and

BE IT FURTHER RESOLVED, that the Project is hereby granted Steep Slope Permit Approval subject to the following conditions and modifications and any other requirements which must be met by law:

After approval by the Planning Board, the Steep Slope Permit Approval is valid for the duration of the construction of the Project. All permits shall expire upon completion of the work specified herein. Permits may be renewed by the Planning Board. The standards for issuance of renewals may, at the discretion of the Planning Board, be the same as for the issuance of the original permit.

Resolution Adopted: November 7, 2018

December 5, 2018

Date



Ching Wah Chin, Chairman
Town of Ossining Planning Board

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