

THE LAW OFFICE OF KORY SALOMONE, P.C.

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February 8, 2021

Ching Wah Chin, Chair
Planning Board
Town of Ossining
John-Paul Rodriguez Operations Center
101 Route 9A – P.O. Box 1166
Ossining, NY 10562

**Re: 550 North State Road (90.15-2-8)
Terra Rustica Ristorante
Amended Site Plan Application**

Honorable Chair and Members of the Board:

As you know, this firm represents Terra Rustica Ristorante (the “Applicant”), the lessee of the property located at 550 North State Street (the “Subject Property”), in connection with this amended site plan application. We made our initial presentation before your Board on February 3, 2021. At that meeting, your Board and its consultants made several comments including: (i) required plan revisions, conformity with parking requirements, need for a variance for the proposed deck, submission of the required ARB application, occupancy load for the proposed deck, site lighting, and a minor revision to the short Environmental Assessment Form.

In response to those comments, we provide the following:

1. Revised plans containing a zoning compliance chart are enclosed herewith.
2. Lou DeMasi and I spoke with John Hamilton, Building Inspector, to discuss the required parking for the proposed expansion of the deck and whether that expansion triggered the need for additional parking. Mr. Hamilton stated that so long as there is no increase in the number of seats being provided on the deck, there will be no increase in capacity and, therefore, no need for additional parking spaces. As previously stated, while the Applicant is expanding the size of the deck, there is no plan to increase seating beyond the existing 30 seats.
3. After discussion with the Building Inspector, we have confirmed that we will need to obtain an area variance for the proposed deck expansion. Pursuant to the Ossining Zoning Code, the minimum front yard setback requirement is 30 ft. In this case, the proposed deck is 25.1 ft. away from the front property line. Accordingly, a variance of 4.9 ft. is required.

4. An application to the ARB is being made under separate cover.
5. As noted in my original submission letter, the area of the proposed expanded deck is approximately 1,000 s.f. Pursuant to New York State Building Code, § 1004, Occupancy, Table 104.5, the deck can accommodate 1 person for each 15 s.f. In determining the maximum occupancy load for the deck, we deducted 250 s.f. which will be utilized as walking/travel area. Based on 750 s.f., Terra Rustica could have a maximum of 50 people on the deck. As previously discussed, Terra Rustica does not intend to increase the seating beyond the existing 30 seats.
6. With respect to the comment made regarding the light on the top of the stairs going from the lower parking lot to the upper parking lot, the Applicant has agreed to reduce the wattage of bulb.
7. Question 13(A) on the short Environmental Assessment Form ("EAF") has been revised to note that the Pocantico River Tributary is on the Subject Property. The revised EAF is enclosed herewith.

Please place this matter on the Planning Board's February 17, 2021 so that we can continue our discussion of the proposed site plan amendment.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Kory Salomone

cc: Abel Magana
Lou DeMasi

Short Environmental Assessment Form

Part 1 - Project Information

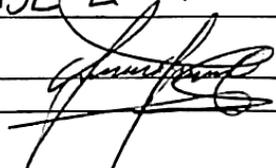
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>ABEL MAGANA</u> Date: <u>Owner</u> Signature: <u></u> Title: <u>2/8/2021</u>		

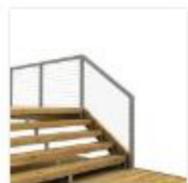
Schedule For Proposed Covered Deck Material and Color Scheme

	<u>Name:</u>	<u>Type:</u>	<u>Color:</u>
Trim:	Azek	Composite	White
Porch Flooring:	n/a	Tile Non-Sip	Owner To Select
Railing:	n/a	Cable System	Stainless Steel
Roofing:	Certainteed	Asphalt	Heather Blend
Gutter/ Leaders:	n/a	Aluminum	White
Exposed Steel Under Deck:	n/a	Steel	Painted Black



Heather Blend

Internet #206173474 Model #30780-0400-50



Hover Image to Zoom

50 ft. Stainless Steel Jakob Cable for Cable Railing System (Pack of 11)

 232

(Brand Rating: 4.1/5) 

 (7) [Write A Review](#) [Questions & Answers \(84\)](#)

- Stainless steel construction for durability and strength
- Includes 11 cables
- Ideal for working with metal or wood posts
- [See More Details](#)

Product Length (ft.): **50**

10

50

