

THE LAW OFFICE OF KORY SALOMONE, P.C.

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January 25, 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:

I. INTRODUCTION

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. The Subject Property is owned by 550 North State Road LLC, c/o Lordae Properties (the “Owner”). The Owner has consented to and authorized the Applicant to process the amended site plan application. The Owner’s authorization letter is attached hereto as **Exhibit A**.

The Applicant is proposing to expand the existing outdoor deck by approximately 370 s.f., and to construct a roof over the deck, while leaving the sides open. The purpose of this letter is to transmit the amended site plan application for the proposed site modifications and to request placement on your Board’s February 3, 2021 agenda.

II. DESCRIPTION OF SITE AND ZONING

The Subject Property is located at 550 North State Road and is identified on the Tax Assessment Map of the Town of Ossining as Section 90.15, Block 2, Lot 8. The relevant portion of the tax map is attached hereto as **Exhibit B**. Aerial images of the site are attached hereto as **Exhibit C**. The Subject Property is located in the GB (General Business) zoning district, which permits restaurants as a principal permitted use.

The Subject Property is 1.1 acres and is improved with an approximately 4,300 s.f. structure and ±620 s.f. deck. The building has been occupied by the Terra Rustica since 1999. Currently, there are 55 parking spaces on site.

III. PRIOR APPROVALS

The existing building on the site was originally constructed in 1972. Since that time, it has been occupied by a variety of restaurants. In 1996, the then tenants/lessee¹ of the building submitted an amended site plan application to the Planning Board and a variance application to the Zoning Board of Appeals. The amended site plan application consisted of interior renovations, re-striping and landscaping in the parking area, new curbing, construction of new covered wooden stairs, a new deck, and new walkways.

In connection with the amended site plan application, the applicant was referred to the Zoning Board of Appeals for a variance to allow for outdoor dining and a variance from the 10 parking spaces required for the additional seats created by outdoor dining. These variances were granted on September 16, 1996. A copy of the meeting minutes and the ZBA approval resolution are attached hereto as **Exhibit D**.

After the granting of the required variances, the Planning Board granted amended site plan approval on April 28, 1997. A copy of the amended site plan approval resolution is attached hereto as **Exhibit E**.

IV. CURRENT PROPOSAL

The Applicant is proposing to enlarge the existing ±620 s.f. deck by approximately 380 s.f. and extend the roof of the building to cover the deck. The deck will remain open to the outside with no walls being proposed. Additionally, a walkway will be added on the eastern side of the deck, which will connect the deck to the upper parking lot. Please note that there is no intention to increase the seating capacity on the deck. The existing deck is able to accommodate 30 seats. If approved, the new, approximately 1,000 s.f., deck will have the same number of tables and seats. The additional space will simply allow for more appropriate distancing between the tables. Because no new seats are being added, there is no need to increase the existing parking count.

In support of this application, the following plans are submitted herewith:

1. Rendering, prepared by DeMasi Architects P.C., dated January 21, 2021;
2. Site Plan, prepared by DeMasi Architects P.C., dated January 21, 2021;
3. Existing Deck Plan, prepared by DeMasi Architects P.C., dated January 21, 2021; and
4. Covered Deck Plan, prepared by DeMasi Architects P.C., dated January 21, 2021.

V. CONCLUSION

Attached hereto as **Exhibit F** and **G**, please find a completed site plan application and Short Environmental Assessment Form, together with the application fee of \$350.00.

¹ Bob French and Adam Odegard/Big Country Restaurant

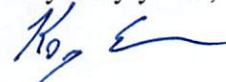
Ching Wah Chin, Chair
Town of Ossining Planning Board

January 25, 2021
Page 3

Please place this matter on the Planning Board's February 3, 2021 agenda for an initial presentation.

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

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kory Salomone", with a stylized flourish at the end.

Kory Salomone

cc: Abel Magana
Lou DeMasi

EXHIBIT A

Lordae Property Management

1 New King Street
West Harrison, NY 10604

Phone (914) 448-8300

www.lordae.com – office@lordae.com

Fax (914) 448-8356

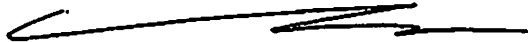
Hon. Chair and Members of the Board:

Hon. Ching Wah Chin, Chairperson
Town of Ossining Planning Board
Town of Ossining Planning Dept.
101 Route 9A
Ossining, NY 10562

Lordae Properties is the owner of the property located 550 North State Road, Briarcliff Manor, NY 10510. The site is currently occupied by the Terra Rustica restaurant, which is owned and operated by William Morocho. By this letter we hereby authorize and provide our consent for William Morocho to submit and process an amended site plan application before your Board for the renovation of the existing restaurant deck. Should you have any questions or concerns, please don't hesitate to contact me.

Thank you

550 North State Rd LLC



Camillo M. Santomero III (Member)

EXHIBIT B



EXHIBIT C



Aerial Location Images

Aerial Location Images For

550 N. State Road. Briarcliff Manor, NY.

Date	Jan. 21, 2021
Job No	221-011
Drawing	1 OF 1

DeMasi Architects P.C.

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10541

PHONE: (914) 666-3858

EMAIL: LoveDeMasiArchitects.com

Do Not Scale Prints

EXHIBIT D

CC- C. Greter
G. Neilson
G. Weello
M. Parkin
R. Gedney

PUBLIC HEARING
TOWN OF OSSINING
ZONING BOARD OF APPEALS

REN B. GEDNEY RA o/b/o BIG COUNTRY RESTAURANT
Section 1. Plate 7A, Block 1, Lot 1

Proceedings
Ossining Public Library
53 Croton Avenue
Ossining, New York 10562

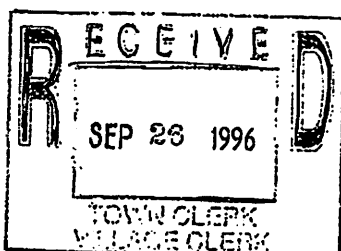
September 16, 1996

3:00 p.m.

PRESENT:

HON. SALVATORE CARRERA - Acting Chairman
HON. CHARLES SCHUMACHER - Member
HON. GREGORY MCWILLIAMS - Member

GUNNAR L. NEILSON - Building Inspector



KATHLEEN M. BOSCO
Stenographer

PROCEEDINGS

THE CHAIRMAN: Legal Notice: "Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on Monday, September 16, 1996 at 8:00 p.m. in the Ossining Public Library, 53 Croton Avenue, Ossining, N.Y., on the application of Rex B. Gedney RA o.b.o Big Country Restaurant, 41 Elm Place, Rye, New York, for a variance from the terms of the Code of the Town of Ossining, Section 200.18A(3) (Permitted Uses in a GB District) which states that "Fully enclosed eating and drinking establishments are permitted". He is also seeking a variance from Section 200.29A(1) (Minimum Parking Requirements) which states that there shall be 1 parking space for each 3 seats in a restaurant.

Applicant is seeking permission to allow seasonal outdoor dining on a proposed deck with a total number of 30 seats. He is also seeking a variance from the number of the required 10 additional parking spaces because they cannot be provided on the site.

The property is located at 550 North State Road, Briarcliff, Town of Ossining, New York, and identified on the Tax Map of the Town of Ossining as Section 1, Plate 7A, Block 1, Lot 1 in a GB Zone.

All interested persons are invited to attend the Public Hearing and be heard on this matter.

By order of the Zoning Board of Appeals: Charles Greiter, Chairman; Marie A. Fuesy, Town Clerk; Dated: September 5, 1996."

ACTING CHAIRMAN: What I would like to do is have the owner or his representatives give a presentation.

MR. GEDNEY: Good evening Mr. Chairman and Members of the Board. My name is Rex Gedney of the firm of Crozier Gedney Architects in Rye New York representing the owners of the proposed Big Country Restaurant who are here with me tonight.

MR. FRENCH: Bob French.

MR. ODEGARD: My name is Adam Odegard

MR. GEDNEY: We will turn this [drawing] so the audience can see it.

THE CHAIRMAN: If any of the audience wants to take a look at any of the plans after the presentation is made, feel free to come on up and take a look and ask your questions.

MR. GEDNEY: We've submitted our application and I think the minutes reflect what we so desire. A little history. The building was built in 1972 as a restaurant and it has been operated as many restaurants over the years. My clients are proposing to substantially renovate the existing building and the site as well making substantial improvements to the existing restaurant. We have been before the Planning Board and have on several occasions been working on our site issues. I think I am comfortable to say that we have their recommendation and are aware of our appearance here tonight. We will be before them again on Wednesday night.

Essentially we have structured the site. When the original building was built, it essentially had this upper lot and that was the only parking that was provided. The building hasn't had any modifications in the footprint and the only modification that we are talking about is the construction of an exterior deck for seasonal outdoor dining. At some point in time - I am not sure when - this lower lot was improved, drainage was installed and there was a stream there that was put through a culvert such and we are utilizing this lower lot. The Planning Board is requiring that we make substantial

PROCEEDINGS

improvements - curbs, planting beds and so forth. In addition to the interior renovations, the exterior of the building will need substantial improvement. The deck is incorporated with the exterior appearance. The deck developed as a second means of egress which the current facility does not have from the dining area. So while we are addressing some safety concerns, the consideration of outdoor dining is a very strong element.

My clients currently own and operate a restaurant and testify that having outdoor dining is a very big plus to their restaurant. It is a seasonal use. It is attractive and seems to be where people like to dine.

So essentially that is our application. Within the site plan we also submitted floor plans, which I have here, and some elevations. I would be happy to walk through any of the details with the Board if they so desire.

THE CHAIRMAN: The exits on to the outdoor dining -

MR. GEDNEY: Strictly from the restaurant.

MR. CHAIRMAN: The second means of egress - that is going to be at the back of the area; you are going to be having a stairwell leading down and or go right around to the back to even up.

MR. GEDNEY: This comes out right on grade here. The interior is currently gutted at this point. As far as the restaurant, they might be able to describe it better than I. It is a family oriented restaurant serving breakfast, lunch and dinner at moderate prices. They have tabulated the number of seats required and find this is critical to the operation of their facility. Do you have anything to add to that?

MR. ODEGARD: It's basically going to be an American Country Style Diner. We are going to be working on moderate prices; it is definitely not upscale dining. We will have a little bakery area too. We want a restaurant that is frequented quite often because we are going to offer good value in food and drink, good solid service. As Rex said, the outdoor dining is important for us, to add something to the place. The amount of seats that we have with our moderate check out - it's going to be a nice asset. I've recently opened my outdoor dining in Mt. Kisco and while it hasn't generated big revenue for me, it just added a nicer touch. It's very seasonal; the outdoor weather is as you see it. Is it going to make or break me? I don't think so. But what it will do - it's just a nice place to dine.

THE CHAIRMAN: It's going to be considered more of a family restaurant?

MR. ODEGARD: Yes. It's going to be definitely moderate prices, very kid friendly; I want to make a real community restaurant. I think there is a need for that in that area. The menu is going to be big and varied and pretty American style. There is going to be only a service bar, no stools; it is not what we want to concentrate on. We want to concentrate on good food and good service.

THE CHAIRMAN: Do you own this site or are you renting it?

MR. FRENCH: Renting it.

THE CHAIRMAN: Long term lease?

PROCEEDINGS

MR. FRENCH: Very long term. We have hired a top designer from California. We are putting a substantial amount of money into totally renovating the entire site. Our feeling with the outdoor dining is at the other restaurant if the wind is blowing too much they won't sit out there. It is very limited.

THE CHAIRMAN: It is seasonal. On the plantings on the first page. I don't know what the Planning Board is requiring. Is there going to be much screening along the North State Road side facing the outdoor dining?

MR. GEDNEY: Yes. This is all new here. There will be new curbs installed out to the road bed of North State Road. We are limited to what we can plant in that area because it is owned by the County. In front of the deck itself there will be evergreens, so the deck is going to be screened. The idea is to try to break up this facade. That mansard roof will all be removed.

THE CHAIRMAN: You are hooking up into the sewers. I assume.

MR. GEDNEY: Yes.

MR. FRENCH: The roof is a dog. We are going to raise the roof line a little bit to give the building a cleaner appearance.

THE CHAIRMAN: Any questions from the audience?

MR. ZEOLI: I am Richard Zeoli, 4 Ryder Avenue. My house is directly next to the restaurant. This is the back parking lot? My house is right here. My concern is where the deck is going to be. My living room window is right here. Is there going to be a fence built behind the deck? Is there going to be any fences built in the back of the restaurant where the parking is?

MR. FRENCH: I had told the Planning Board that whatever the people behind the place wanted, they would get.

MR. GEDNEY: We do have a stockade fence constructed along your property line here. This is the wall here. This is all existing plantings that are here. The deck is around front, level with the restaurant.

MR. ZEOLI: I'm concerned with the lighting going into the living room window at night.

MR. FRENCH: The driveway will be in the front of the restaurant, not around the back.

MR. ZEOLI: My living room is on the side. You have to see it.

MR. FRENCH: I know exactly what you are talking about; I've been in your back yard.

THE CHAIRMAN: The deck is facing North State Road.

MR. GEDNEY: It is not twisting around at all. There is just a ramp around the side for egress.

PROCEEDINGS

MR. FRENCH: I am willing to do what will make you feel happy. We are not going to be having hands out there or concerts.

MR. ZEOLI: My children's bedroom is right there. I would like a fence up.

MR. FRENCH: We are planning to do planting. We've already talked to someone who will be doing all the landscaping and fencing.

MR. ZEOLI: As high a fence as you can put, you have my permission.

MR. FRENCH: Whatever makes you happy as far as plantings, fencing. Also we can adjust any type of lighting from the parking.

MR. ZEOLI: Once you get it up, we can see how it is shining.

MR. SCHUMACHER: How much are you changing the roof elevation?

MR. GEDNEY: It's just a short parapet, about 30".

THE CHAIRMAN: Any other questions or comments from the audience?

MR. CIALINI: My name is Eugene Cialini. I live at 45 Gordon Avenue. Basically my property abuts the parking area of the restaurant. A couple of the other restaurants have been noisy at 1:00, 2:00 in the morning. A couple of uncontrollable young adults were kind of noisy, mainly in the summer and spring; it's not a problem in the winter. All of Gordon Avenue is like an echo chamber; it's kind of in a valley. My concern is when the cars go out at night so the lights - unfortunately the windows on the level of my house are almost level with the parking lot. So when cars come in and turn in the parking lot, the lights come in the windows and the noise of people starting up cars, etc. But I know it is a restaurant and people have to make a living and I understand that. But basically my concern is that there is enough screening so that it is at least limited.

MR. FRENCH: As you know the screening that was there before was garbage. I am the contractor; that's how the partnership evolved. I will do whatever it takes so you don't see lights or hear sounds, to the best of my ability. Of course, between your place and the restaurant is Town property.

MR. CIALINI: There is a corner there where my property backs up to the restaurant, so it is really very close in the back.

MR. FRENCH: I am willing to make adjustments as it goes along, also.

MR. CIALINI: Whatever the Town says, I have to put my trust in them. They are going to protect my interest. That's what they are appointed for. The thing is, if they get rowdy, I call the Police Department. As long as it is adequately screened and the parking isn't like a meisee back there and it's orderly, there shouldn't be too many problems. One other thing. There is a light there right now that shines right through the window.

PROCEEDINGS

MR. FRENCH: I know. They are all coming out.

MR. ZEOLI: There used to be a propane tank.

MR. FRENCH: That's gone. We will be using gas.

THE CHAIRMAN: Con Ed gas is out in the street, and they will be hooking up to that.

MR. ODEGARD: Just a quick response. Our place is not going to be a place for young kids to cause trouble. There is nothing there for them. No TV. It is a country style diner for families, for couples. I don't anticipate any late nights there.

MR. CIALINI: What are the hours?

MR. ODEGARD: Probably 6 AM, 7AM to 10 PM, 11PM max.

MR. FRENCH: And we are going to microbrew root beer. That's the crowd we are looking for.

MR. CIALINI: The only time I had a problem was when it was the Brass Rail.

THE CHAIRMAN: Different type of restaurant.

MR. CIALINI: I'm glad it is going to be occupied. I've chased kids out of there coming out of the roof..

THE CHAIRMAN: I would like to read into the minutes - From the desk of George A. Weeks, Planning Board Chairman to Charles Greiter, Chairman of the Zoning Board of Appeals regarding Big Country Restaurant:

"This memo is in regard to the application before you in connection with the Big Country Restaurant. The Applicant has been before the Planning Board and we are very supportive of this project. As you are aware, the Applicant is requesting outdoor dining on a deck he proposes to add to the existing building. Although outdoor dining is not in the code, it has been granted by your Board in the past and we would support and encourage a positive decision regarding that.

Because of the additional space the outdoor dining creates, it leaves the applicant short on this parking requirements. The Planning Board feels that the outdoor dining in most cases is limited by seasons as well as weather. Therefore, we feel the parking requirements are not critical in this case and would be in favor of them being lowered to the amount of spaces being provided by the applicant. We feel that this is an opportunity for the Town to upgrade another section along North State Road. We would encourage a positive decision on this application.

If I or any member of my Board can be of any assistance, please let me know.

As: George A. Weeks"

I think we have two applicants who are ready, willing and able to take on this project and also please the neighbors as much as they can. I am ready to take a vote..

PROCEEDINGS

MR. SCHUMACHER: I agree with it.

MR. MCWILLIAMS: I agree with it.

THE CHAIRMAN: I am I favor of it also. Let the record show that there is a unanimous decision on giving the necessary requirements for the outdoor dining and also for the additional parking. All the rules and regulations and building permits and plantings will be approved by the Planning Board and Gunnar Neilson. Good luck.

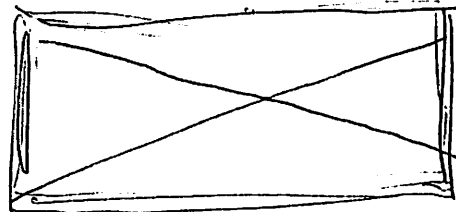
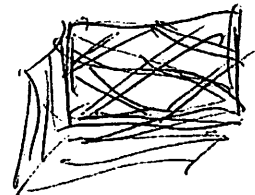
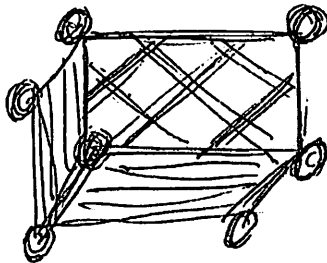
MR. NELSON: You might want to include that the screening that is there now is what was left from what was there originally. The question of the lighting and things like this - I would have no problem if you wanted to recommend strongly to the Planning Board that there be a provision for an 8' high fence. It could be done neatly and I think maybe you should support that. The applicant's seem congenial and that would not be a problem.

THE CHAIRMAN: OK. Let the record show that in addition to the approval, we recommend 8' fencing and appropriate screening above and beyond what has been there, that's already been approved, to basically satisfy as many of the needs of the neighbors as possible. Is that OK with you guys?

MR. FRENCH: Yes. 6, 8, 10 - doesn't make a difference.

THE CHAIRMAN: OK. When are you going to open up?

MR. FRENCH: We will start construction, hopefully, in the next few weeks.



PROCEEDINGS

ZONING BOARD OF APPEALS

TOWN OF OSSINING

-----X

In the matter of the Application of

REX B. GEDNEY RA o/b/o BIG COUNTRY RESTAURANT

DECISION

For a Variance from the Provisions

of the Zoning Ordinance of the Town of Ossining

-----X

This is an application by Rex B. Gedney RA o/b/o Big Country Restaurant for a variance from the provisions of Sections 200-18.A(3) and 200-29.A(1) of the Zoning Ordinance of the Town of Ossining. The applicant is leasing an existing restaurant on a parcel of land located at 550 North State Road and designated on the Tax Map of the Town of Ossining as Section 1, Plate 7A, Block 1, Lot 1 in a GB Zone.

The applicant is seeking variance relief to 1) alter an existing restaurant by adding a deck for outdoor dining, and 2) waive the 10 parking spaces required for the seats created by the outdoor dining.

Pursuant to the applicable provisions of law, and after due notice and publication, a public hearing was held on September 16, 1996. The members of this Board are presently familiar with the property and its location and have inspected and viewed the site. The Board has investigated this application and has given its due and full consideration to the testimony presented at the hearing and hereby finds, determines and resolves:

1. The property is located at 550 North State Road, Town of Ossining, New York and is designated on the Tax Map of the Town of Ossining as Section 1, Plate 7A, Block 1, Lot 1 in a GB Zone.

2. Since outdoor dining is not a permitted use in the General Business Zone, and since a restaurant must provide one parking space for each three seats, variances are necessary for the proposed alterations to proceed.

3. Strict enforcement of the aforesaid sections of the ordinance would entail practical difficulty and undue hardship to the applicant since without the requested variances he can not make the alterations to his structure necessary for his business.

PROCEEDINGS

4. The Board has considered whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variances; whether alternate methods can achieve the applicant's desires; whether the requested variance is substantial; whether the proposed variance will have any adverse effect or impact on the physical or environmental conditions in the neighborhood or district and whether the alleged difficulty was self created.

5. No governmental representative of the Town has shown that strict enforcement of the ordinance is required for public health, safety or welfare, or that a variance would have a direct or substantial or adverse effect on the surrounding area.

6. In accordance with the foregoing, applicant's request for variances to alter his structure is granted provided that all necessary approvals be obtained from the Planning Board, Building Department and Westchester County.

7. Further, the Zoning Board recommends that the Planning Board require that an 8 foot high fence be located along the abutting residential parcels on Ryder Avenue and appropriate screening be placed along the proposed dining deck such that the needs of the neighbors be met.

8. This decision shall constitute the decision of the Zoning Board of Appeals pursuant to section 200-46.G of the Zoning Ordinance of the Town of Ossining.

Dated: September 16, 1996

(PROCEEDINGS CONCLUDED)

I, Kathleen M. Bosco, certify that the foregoing is a true and accurate account taken in the above entitled matter.

Kathleen M. Bosco

EXHIBIT E

**PLANNING BOARD
OF THE TOWN OF OSSINING**

**BIG COUNTRY RESTAURANT, 550 NORTH STATE ROAD
RESOLUTION OF AMENDED SITE PLAN APPROVAL**

WHEREAS, the Planning Board has received an application including the following site plan drawings generally entitled *Alterations to the Big Country Restaurant* in connection with the property designated Section 1, Plate 7A, Block 1, Lot 1 on the Town of Ossining tax maps (the "Site" or "Subject Property") submitted by Crozier Gedney Architects, PC on behalf of Bob French and Adam Odegard (the "Applicants"):

1. S-1, *Site Plan*, prepared by Rex B. Gedney, R.A, drawn at a scale of 1" = 20', originally dated July 1996 and last revised March 27, 1997.
2. S-2, *Landscape Notes, Garbage Enclosure Elevation, Existing Sign Post Detail with New Sign*, prepared by Rex B. Gedney, R.A, drawn at a scale of 1" = 20', originally dated September 1996 and last revised March 27, 1997.
3. A-1, *First Floor Plan*, prepared by Rex B. Gedney, R.A, drawn at a scale of 1/4" = 1', originally dated July 1996 and last revised October 17, 1996.
4. A-2, *Elevations*, prepared by Rex B. Gedney, R.A, drawn at a scale of 1/4" = 1', originally dated July 1996 and last revised September 9, 1996.
5. A-3, *Elevations*, prepared by Rex B. Gedney, R.A, drawn at a scale of 1/4" = 1', originally dated July 1996 and last revised January 26, 1996 (the five (5) drawings above constitute the "Site Plan Drawings"); and

WHEREAS, the Subject Property is located on the easterly side of North State Road to the north of Ryder Avenue; and

WHEREAS, the Site is 0.84 acres in size and is zoned General Business (GB); and

WHEREAS, the rear property line of the Site is the zoning district boundary between the GB zone in which the property is located and the adjacent R-10 One-Family Residence District; and

Big Country Restaurant
Resolution of Amended Site Plan Approval

WHEREAS, existing on the Site is a restaurant, parking and other improvements;
and

WHEREAS, the Applicants propose to renovate (interior and exterior) the existing one-story, 100-seat restaurant, to restripe and add landscaped islands and curbing in existing parking areas, and to construct new covered wooden stairs, a new deck (for additional seating), and new walkways (the "Project" or "Action"); and

WHEREAS, the Planning Board is familiar with the Subject Property and the general vicinity of the Subject Property; and

WHEREAS, the Planning Board has reviewed said site plan application in accordance with the Town of Ossining development regulations, in particular with Section 200-50, *Approval of Site Plans*, of the Code of the Town of Ossining; and

WHEREAS, the Planning Board has determined that the Applicant has met the application procedures specified in Section 200-50.C, *Procedure*, of the Code of the Town of Ossining; and

WHEREAS, the Planning Board has determined that the subject application meets the requirements of Section 200-50.D, *Site Plan Elements*, of the Code of the Town of Ossining, except as may be noted below; and

WHEREAS, the Planning Board has determined that the subject application, in conjunction with the following conditions, conforms to Section 200-50.A, *Objectives*, of the Code of the Town of Ossining; and

Big Country Restaurant
Resolution of Amended Site Plan Approval

WHEREAS, the Planning Board has referred this matter to the Westchester County Planning Board under the provisions of Sections 239-l and m of the New York State General Municipal Law and Section 277.61 of the County Administrative Code and has received a response from the Westchester County Planning Board by way of its letter dated August 30, 1996, which letter in part states:

"Having reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code, we find that this a matter for local determination in accordance with your community's planning and zoning policies, subject to the following comments provided by the Westchester County Department of Public Works (WCDPW) based on a preliminary review of the submitted materials:

1. A permit for work on the County road will be required;
2. Approval under General Municipal Law Section 239K will be required;
3. Three driveways are proposed on the County road. A maximum of two driveways for a single commercial establishment on a single highway is permitted;
4. Plans should coordinate curb cuts with the location of existing catch basins and structures in the street;
5. Erosion control plans must be provided"; and

WHEREAS, on March 26, 1997 the Planning Board held a public hearing on the subject application, at which times all persons interested were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board hereby issues a Negative

Big Country Restaurant
Resolution of Amended Site Plan Approval

Declaration regarding the proposed Action, thereby finding that the Action will have no significant adverse impact on the environment, and thereby finding that the preparation of a Draft Environmental Impact Statement will not be required; and

BE IT FURTHER RESOLVED, that the Site Plan Drawings enumerated above are hereby granted conditional Site Plan Approval subject to the following conditions and modifications and any other requirements which must be met by law:

A. The Building Inspector shall not issue a final Certificate of Occupancy prior to the following conditions being fulfilled:

1. The Applicants shall secure a work permit from the Westchester County Department of Public Works for the curb cut and improvements on North State Road. If the Westchester County Department of Public Works (WCDPW) requires changes to the Project, the Planning Board reserves the right to review and possibly make modifications to the Project in light of said changes required by the WCDPW.
2. The Site Plan Drawings shall be modified to the satisfaction of the Planning Board in the following respects:
 - a. All of the Site Plan Drawings listed above shall be signed and sealed by the Registered Architect who prepared them.

Big Country Restaurant
Resolution of Amended Site Plan Approval

- b. The site plan drawings shall be endorsed by the Applicants and by the Property Owner, for the purpose of indicating their familiarity and agreement with said drawings.
- c. A better means by which to delineate that the paved area in the lower parking lot in the vicinity of the covered walkway is not to be used for parking shall be provided on the site plan. The design solution which has been proposed to-date is a line painted on the pavement. This line will not deter persons from parking in the subject area; a post and rail fence, three to four feet in height shall be shown on the site plan and installed instead.
- d. The site plan shall stipulate that there shall be no public address system outside, no music outside, no orders announced outside, and no other similar noise outside in connection with the restaurant and/or deck.
- e. Sheet S-1 has been revised subsequent to March 27, 1997 and shall bear a new revision date.
- f. The site plan shall identify in more detail the specific variances which were granted in connection with the outdoor dining, as well as specifically when they were granted.

Big Country Restaurant
Resolution of Amended Site Plan Approval

- g. Intersection sight distances for the *proposed* curb cut on North State Road shall be provided on the site plan. The Planning Board reserves the right to require a modification to the proposed location of said curb cut if the sight distances prove to be inadequate.
- h. The site plan drawings shall include a pavement replacement detail for the area where utility work will be performed within the existing parking lot.
- i. The site plan drawings shall provide invert and rim elevations for the existing trench drain. The Applicant proposes to run new utility lines through the area of the existing trench drain. Proper clearances must be shown.
- j. The site plan drawings shall provide invert data for the sanitary sewer in North State Road at the point of the proposed connection. Information is necessary to determine if a conflict with the existing trench drain will occur.
- k. The site plan drawings shall provide a trench drain detail for use in the event that the re-use of the existing drain is not possible after construction. The site plan drawings shall also provide a detail to show the spot elevation of the pavement in relation to the grate to ensure that runoff does not bypass the inlet.

Big Country Restaurant
Resolution of Amended Site Plan Approval

1. The site plan drawings shall identify the strength of the concrete to be used for curbing.

When the conditions above have been fulfilled, the Planning Board Chairman will endorse five (5) approved sets of site plan drawings for the Planning Board's, Town Building and Planning Department's, Town Engineering Consultant's, Town Planning Consultant's, and Applicants' files, and the endorsement of said site plan drawings by the Planning Board Chairman shall signify that the conditions above have been fulfilled.

- m. The Building Inspector shall inform the Planning Board of the Applicants' request for a final Certificate of Occupancy and the Planning Board reserves the right to make a field inspection of the Site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to landscaping, lighting or other Site details, which modifications shall be a condition of said Certificate of Occupancy.

B. The following are general conditions of this approval:

1. This Resolution of Amended Site Plan Approval is conditioned upon the completion of all of the site improvements shown on the Site Plan Drawings. However, the approval and use of the restaurant are not conditioned upon the Applicants having the use of the parking spaces in the area between the

Big Country Restaurant
Resolution of Amended Site Plan Approval

restaurant and North State Road (that is, the parking area denoted as the "Overflow Parking Area" on the Site Plan Drawings).

2. The Building Inspector shall have the authority to monitor the parking associated with the restaurant and the Applicants shall be required to resolve, to the satisfaction of the Planning Board, the possible future condition of patrons parking off-site.
3. This approval supersedes any and all previous approvals granted for this Site.
4. In accordance with Section 200-51.B of the Zoning Ordinance, the Applicants shall be responsible for the payment of all application review costs incurred by the Planning Board in the review of this matter. Such fees shall be paid by the Applicants 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 automatically be rendered null and void.
5. Any future modifications of the Subject Property (above and beyond that approved herein) shall be subject to further Planning Board review and approval.
6. All construction taking place on the Site shall be in accordance with the Westchester County Best Management Practices Manual.

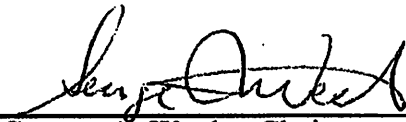
Big Country Restaurant
Resolution of Amended Site Plan Approval

7. In accordance with Section 200-50.C(9) of the Zoning Ordinance, this Site Plan Approval shall expire:
 - a. If all of the conditions required to be fulfilled prior to the signing of the site plan drawings by the Planning Board Chairman are not fulfilled within one (1) year from the date of the adoption of this resolution and if said drawings are not submitted for endorsement by the Chairman within said one (1) year;
 - b. If all required improvements are not maintained and if all conditions and standards of this approval are not complied with throughout the duration of the approved use;
 - c. If a bona fide application for a Building Permit is not made within one (1) year from the date of the endorsement of the site plan drawings by the Planning Board Chairman; and
 - d. If all required improvements are not substantially completed within two (2) years from the date of the endorsement of the site plan drawings by the Planning Board Chairman.
8. As also in accordance with Section 200-50.C(9) of the Zoning Ordinance, the Planning Board may extend this Site Plan Approval if, in its opinion, such extension is warranted by the particular circumstances involved.

Big Country Restaurant
Resolution of Amended Site Plan Approval

Resolution Adopted: April 23, 1997

APRIL 28, 1997
Date


George A. Weeks, Chairman
Town of Ossining Planning Board

cc: Rex B. Gedney, RA
Bob French, Applicant
Adam Odegard, Applicant
Camillo M. Santomero, III, Property Owner
Joseph J. Milano, Esq.
Gunnar L. Neilson
William E. Lachenauer
David H. Stolman, AICP

500\oss7-010.dhs

EXHIBIT F

Town of Ossining (Westchester County, New York)
Application for Planning Board

A copy of this form accompanied by a \$350.00 Filing Fee, Escrow Deposit as outlined on the Town fee schedule, 10 Copies and 1 PDF of an accurate intelligible plan of the property. This must be submitted to the Planning Board Secretary on the specified submission date prior to the regularly scheduled meeting (see Calendar).

I, (We) Abel Magana (Terra Rustica)

Address 550 North State Road

Briarcliff Manor, NY 10510

Phone Number 914-629-8096 Email Melanie 0179@hotmail.com

Request a Planning Board Hearing for:

☐ Preliminary Site Plan Review

☐ Architectural Review

☒ Site Plan Approval

☐ Conditional Use Permit

☐ Rezoning Application

☐ Subdivision Approval

☐ Filling and Grading Permit

☐ Wetland Approval

Location of Property 550 North State Road, Briarcliff Manor, NY 10510

Section 90.15 Plate Block 2 Lot(s) 8

Present Zoning GB

Purpose of Hearing: Amended site plan approval for proposed
deck expansion.

Date: 1/22/21


Signature of Applicant

Note: The applicant is responsible for complying with all rules and regulations with respect to filing of final subdivision plats with the Westchester County Clerk.

Submission Checklist:

☒ Application Form & Plans (10) & (1) PDF File

☒ Environmental Form (EAF)

☒ Fees, Section 200-51

☒ Property Owner Authorization

EXHIBIT G

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

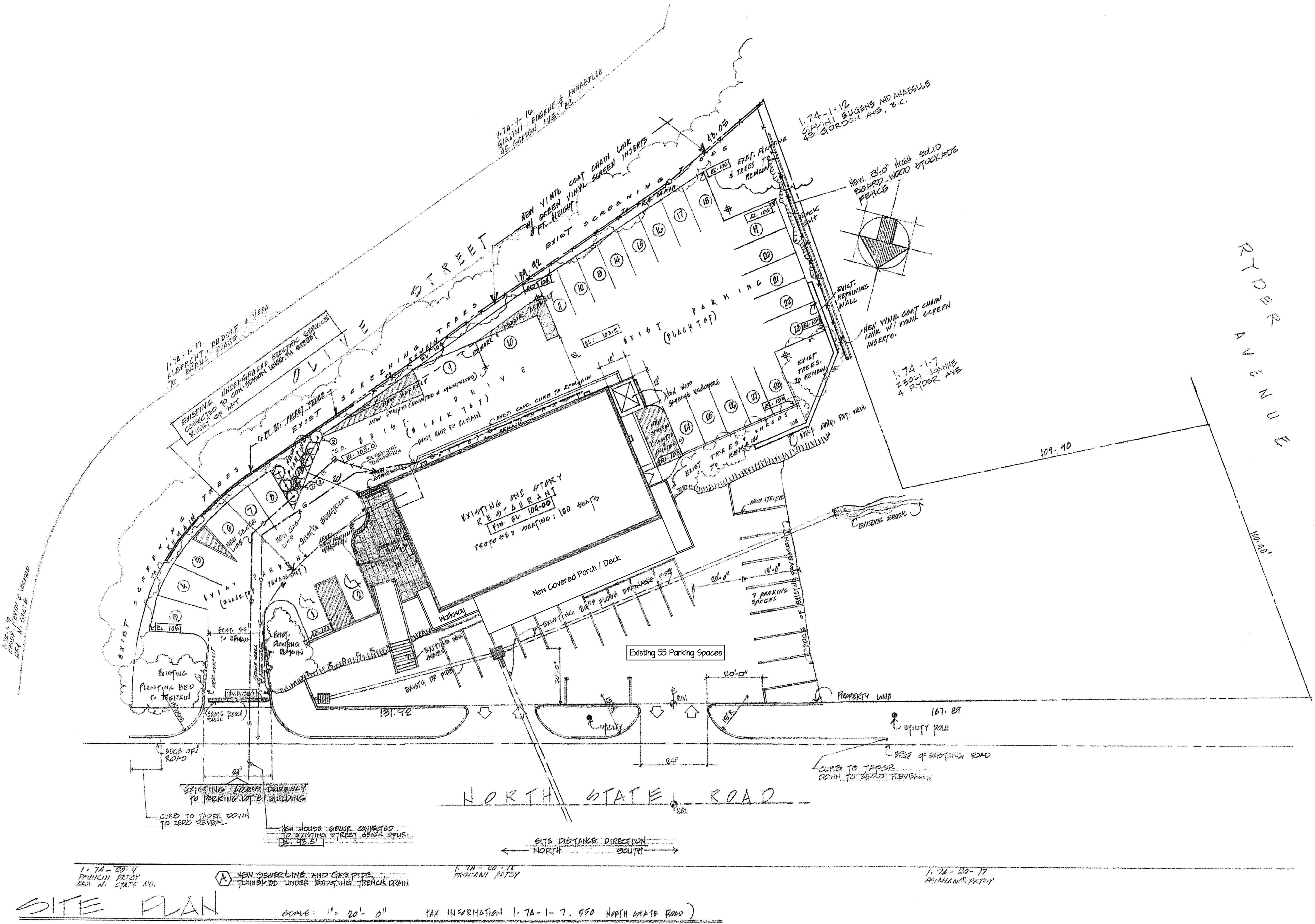
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Terra Rustica			
Project Location (describe, and attach a location map): 550 North State Road, Briarcliff Manor, 10510			
Brief Description of Proposed Action: Expansion of existing deck			
Name of Applicant or Sponsor: Abel Magana (Terra Rustica)		Telephone: 914-629-8096	
		E-Mail: melanie0179@hotmail.com	
Address: 550 North State Road			
City/PO: Briarcliff Manor		State: NY	Zip Code: 10510
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 checked="" 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:			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.1 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? _____ 1.1 acres			YES <input type="checkbox"/>
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 checked="" 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 <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input checked="" 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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <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? If Yes,	NO	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)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<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? If Yes, describe: _____ _____	NO	YES
	<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? If Yes, describe: _____ _____	NO	YES
	<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 Magaña</u> Date: <u>1/22/2021</u> Signature: <u>[Signature]</u> Title: <u>Owner</u>		



SITE PLAN
SCALE: 1" = 20'-0"
SEE INFORMATION 1.7A-1-7.550 NORTH STATE ROAD

Minimum required off-street parking for restaurant- section 200-29 of zoning code: 1 space for each 3 seats or 1 per each 75 square feet of gross floor area.

By square footage 2006/75 = 26.7 ± 27
(only assembly space)

Proposed number of seats: 100
Required number of parking:
Based on 1 space for each 3 seats: 33.3
Proposed number of parking space: 38
Total deck floor area: 575 sq.ft.
Total seating area : 575/15 : 38
proposed seating : 30 (subject to a variance) **APPROVED**
required parking space 10 (subject to a variance) **APPROVED**

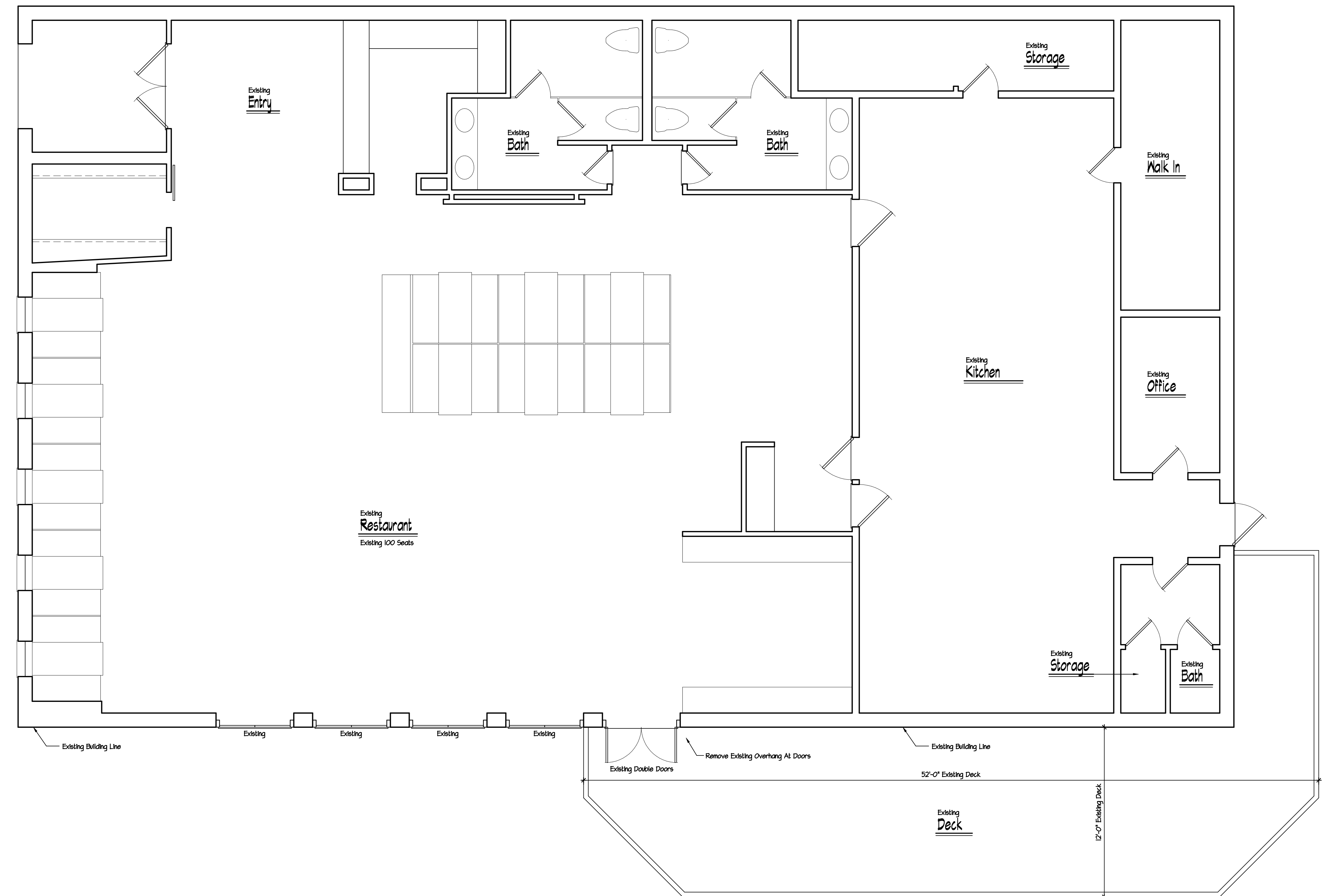
New Covered Deck For
550 N. State Road.
Briarcliff Manor, NY.

Revision	Date
Date	Jan. 21, 2021
Job No	221-011
Drawing	0 OF 1

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These plans are not valid for a building permit unless they are accompanied by a professional seal and signature for the construction of one structure only by the person whose name appears on the plans.





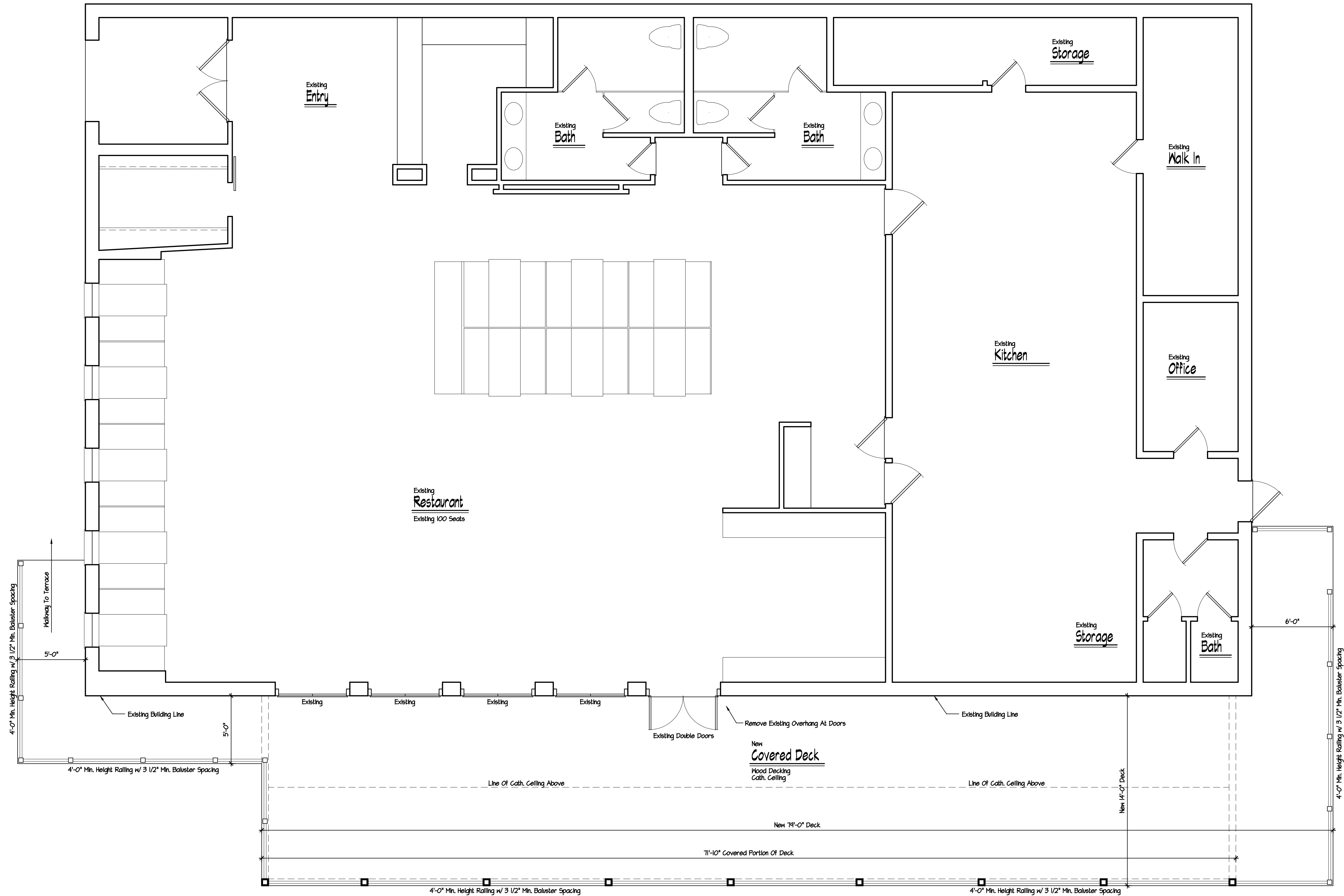
Existing
Deck Plan
Scale: 1/4" = 1'-0"

New Covered Deck For
550 N. State Road.
Briarcliff Manor, NY.

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Revision	Date
Date	Jan. 21, 2021
Job No	221-011
Drawing	
A	OF 2

DeMasi Architects P.C.
105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549
PHONE: (914) 666-3858 EMAIL: Lou@DemasiArchitects.com



Proposed
Covered Deck Plan
Scale: 1/4" = 1'-0"

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New Covered Deck For
550 N. State Road.
Briarcliff Manor, NY.

Revision	Date
Date	Jan. 21, 2021
Job No	221-011
Drawing	

A2 OF 2

DeMasi Architects P.C.

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Do Not Scale Prints