

November 17, 2010

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 17th day of November 2010. There were present the following members of the Planning Board:

George Weeks, Chairman  
Dennis Kirby  
David Krieger  
Deborah Cohen  
Gregory McWilliams, Vice Chair

Also present:

Wayne Spector, Town Attorney  
James J. Vanoli, Town Engineer  
David Stolman, Frederick P. Clark Associates, Inc.  
Sandra Anelli, Secretary

### **MARCO GONCALVES, 19 McCarthy Drive, Fill & Grade & Retaining Wall**

Mr. Goncalves was present. Sketches submitted October 20, 2010 were on file. A plan labeled A-3, dated August 20, 2009 and sheets titled, Existing Topography and Proposed Topography were discussed. Mr. Goncalves said he is proposing an eight foot retaining wall at the rear of the property in order to level out and create a rear yard. There is currently an open building permit to construct a new residence on the site. The current slope of the rear yard is approximately 14.5%. Fill was already brought to the site. The applicant was issued a notice of violation by the Building Inspector for depositing in excess of five yards of fill on the property without Planning Board approval or permits. The proposed wall is to be one foot from the neighbor (Frank Lengers, 88 Cedar Lane) at the rear property line.

After review and discussion, the Board recommended Mr. Goncalves revise the plan to implement a terraced rear yard using two smaller walls. The walls can be four feet in height maximum with an eight foot separation. Mr. Vanoli indicated that the first wall has to be four feet at the 183 topography line. Landscaping is required in the eight foot span. Then the next wall can be four feet. Mr. Goncalves was directed to provide a complete site plan prepared by a licensed professional, showing landscaping in the eight foot span, cross sections for all three of the neighbor property lines, elevations, existing and proposed contours, adjoining property owners names, description of operation and volume of material and more. Mr. McWilliams asked Mr. Goncalves about putting a fence and or railing around the wall at the bottom and how he intends to construct the wall without interfering or encroachment to the neighbor's property. Mr. Goncalves said it will be difficult but, it can be done, he may or may not put a fence up on the wall. Mr. Goncalves agreed to have new plans drawn up for submission to the next meeting scheduled for December 15, 2010.

Mr. Lengers, of 88 Cedar Lane, and his Attorney, Ms. Penelope Morgan were present. Ms. Morgan noted for the record that they would like to continue to receive notification of the meetings and access to the plans for review. Although this was not a formal public hearing, Mr. Lengers expressed concern and dissatisfaction with existing conditions of the site and overflow of sediment onto his property. Mr. Weeks relayed to Ms. Morgan that Planning Board meetings, plans and project progress are open to the public at any time and corrective measures are currently being addressed.

### **Review & Recommendations of the Town's Comprehensive Plan**

Mr. Stolman submitted and reviewed with the Board, the latest changes as discussed at earlier meetings to proposed local laws to implement recommendations of the Town's comprehensive plan, dated November 4, 2010.

A motion was made by Mr. Krieger, seconded by Ms. Cohen, and unanimously agreed to refer and recommend to the Town Board, **Revised Proposed local Laws to Implement Recommendations of the Town's Comprehensive Plan, dated November 4, 2010**, prepared by Frederick P. Clark Associates, Inc.

### **MISCELLANEOUS**

The Town Board is currently reviewing a recommendation by Mr. Hamilton to triple all fees associated with Planning and Zoning Board application matters that are done after-the-fact. The triple fee policy is in place currently for all Building Permits, Electrical Permits and Plumbing after-the-fact.

November 17, 2010

**MINUTES**

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A motion was made by Mr. Krieger, seconded by Ms. Cohen and unanimously approved to adopt the draft of minutes of the October 27, 2010 meeting of the Planning Board.

**ADJOURNMENT**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Krieger made a motion, seconded by Mr. Kirby that the meeting be adjourned to December 15, 2010.

Time noted 8:30 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: December 15, 2010**