

June 24, 2015

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 24th day of June 2015. There were present the following members of the Planning Board:

Ingrid Richards, Chair
Greg McWilliams, Vice Chair
Dennis Kirby
Gareth Hougham
Jim Bossinas

Absent: Wayne Spector, Town Attorney

Also Present: David Stolman AICP, PP, Frederick P. Clark Associates, Inc.
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary

MS Iron Works, 19 - 23 Old Albany Post Rd., Site Plan Amendment

Mr. Phil Spagnoli, Property Owner, Mr. Neil Connolly, Attorney and Mr. Ed Gemmola, Architect, were in attendance. Copies of Plot Plan for MS Iron Works, Inc. dated July 17, 2013 prepared by Mr. Gemmola were on file and submitted to the Board. A survey of the property dated July 6, 2013 was also on file, prepared by JRL Land Surveying P.C., Mahopac NY.

Mr. Gemmola presented the plan to the Board. He noted that the applicant went to the Zoning Board of Appeals some time ago and at that time the applicant received an interpretation for the business (a landscaping and tree service business) which occupies part of the building space. The site is mixed use located in the Neighborhood Commercial Zone (NC). There is one commercial building and two residences on site. Mr. Gemmola described the parking situation and added that nothing is going to change as far as the structure is concerned.

Mrs. Richards asked Mr. Stolman to prepare a review memo. Mr. Ciarcia offered that there is no site improvement being proposed, basically they are showing day to day operations and truck locations only. Mrs. Richards asked the applicant to provide a report of precisely how the site will be used describing the intensity of the use on site. Mr. Bossinas asked if trucks currently parked in front could be moved to the back of the site. Mr. Gemmola said maybe three of the trucks could go behind the gate but not all of them. Mr. Spagnoli offered more screening in front or a fence.

Mr. Gemmola noted that during the Zoning Board meeting, neighbors signed a petition that they were in favor of this use because it is quieter than the Iron Works and the site is kept clean. The neighbors did not object to it at all. There is a lot less in and out deliveries. Dr. Hougham agreed with Mr. Bossinas, that if some of the trucks could be moved to the back this would be an improvement. He also added that the site is always kept clean and neat. Dr. Hougham suggested that screening with nice plantings instead of a fence would be a great idea. Also, Dr. Hougham asked for some detail with regard to the dry wells on site. Mr. Gemmola said their engineer will provide detail on this.

Mr. McWilliams asked if all of the vehicles are for the landscape business and pointed out that the tables on the plan describing the vehicles appear to be transposed. Mr. Kirby raised a question going back to the ZBA meeting, then Mrs. Richards asked their Attorney, Mr. Connolly, to come forward and explain the situation and/or the reason for tonight's application.

Mr. Connolly explained they made an application to the zoning board for an interpretation of service business under the NC zoning section of the code. He said after a lot of debate, going back and forth, with regard to retail and service businesses, it does fall into a grey area. The Zoning Board determined that it was a conforming use, a service business. The next step was to redo the site plan because we had a conforming use but a different use than what was there before. That is why we are here tonight to show how the new site plan operates. Mr. Kirby confirmed that there was no new remodeling or change going on. Mr. Spagnoli said nothing on site has changed since 1976. Mrs. Richards asked the applicant to prepare a memo and make it very clear what is going on at the site. Mr. Gemmola thanked the Board.

Discussion and Review Revisions to Proposed Law Changes and Comprehensive Plan

Notification Provisions.

Dr. Hougham offered the following comments by memo:

Pg. 2 and throughout: Where ever the language states "...and to such other owners as the Board of Appeals may deem advisable..." should be changed to "...and to such other Town Residents as the Board of Appeals may deem advisable or that have requested in writing inclusion in notification mailings regarding a specific project..."

Pg. 3: Section 200-49.B: "each application for a conditional use shall be accompanied by a proposed site plan showing..." Should be changed to include the requirements that the plan be provided in geo-referenced form in hardcopy, PDF and CAD formats.

Pg. 3. Section 200-50.C(5): "Notice of said hearing and of the substance of the application shall be given by publication in the official newspaper of the Town..." should be changed to reflect the requirements of:

- 1) Publication in newspaper
- 2) Mailing within 500 feet of project boundary
- 3) Email notice within 500 feet of project boundary
- 4) Web blast listing (as is currently practiced by the Town of Ossining)
- 5) Physical posting of a sign at the project site.

He also added that an early notification of a project, when the project first appears on the agenda, is something that he feels is important to the public. Mr. Kirby agreed that earlier notification of a project is something that the general public could benefit from and posting a sign at the site is a very good idea and it is something that is done in other municipalities.

Mrs. Richards urged that the Board should try and stay within what the Planning Board functions are. Mr. Stolman said he will add to the memo, that the Board re-evaluate the fee, post a sign on the property when there is going to be a public hearing, and propose that the applicant do the mailing and secure receipts of notification.

Tree Protection Chapter. Mr. Stolman further reviewed amendments to the Tree Protection Chapter of the Town Code. Mrs. Richards noted that when relating to Planning Board applications, there should be a requirement to provide a tree plan, sort of a unified tree plan requirement for applicants. Dr. Hougham recommended a 3 year guarantee of trees planted. Mr. Stolman noted that with respect to site plans, the tree requirement now is that Mr. Hamilton will inspect the site for compliance with the approved tree plan. If a tree dies, the Mr. Hamilton will send a notice of violation of site plan. It may be difficult to get a 3 year guarantee from tree nurseries.

With regard to planting guidelines, Dr. Hougham suggested per Ms. Sharratt, including a website from the Cornell University Cooperative Extension. Mrs. Richards said offering a website to the public is a good idea but not something that can be codified into town law. A link on the Town's website or something included in application documents seems more appropriate for this. The Board agreed.

Freshwater Wetlands, Watercourse and Water Body Protection Chapter Amendments. Mr. Stolman reviewed some definition changes in this section. Mr. Kirby recommended a specifying the growing season. Mr. Stolman agreed to add growing seasons specifically. The Board was in agreement with other changes in this section as outlined. Mrs. Richards recommended updating the Official Town Wetlands Map. Dr. Hougham recommended something in a GIS database that can be updated when new wetlands are identified.

Dr. Hougham further discussed the following suggestions as outlined in his memo:

Pg. 3. "An area ½ acre..." should be changed to "An area of any size which is comprised of hydric soils...."

Pg. 4. "section 4.o (section 105-3.A)

"area(s) delineated by a qualified environmental professional..." should be changed to: "areas(s) delineated and biologically characterized by a qualified environmental professional..." (Biologically characterized should include description of observed vegetation and animal life within delineated boundaries).

Pg. 4."surveyed and mapped" should be changed to "surveyed and mapped with geo-referencing...and made available in, hard copy, PDF and CAD formats"

May 6, 2015

Mr. Bossinas and Mr. Ciarcia urged that CAD formats infringe on certain copyrights of design professionals, PDF is recommended submission method for applicants. Geo-referencing can be something that is added to the requirements of application materials.

Dr. Hougham's memo continued:

"A full report regarding delineation.....shall also be submitted" should be changed to ""A full report regarding delineation and characterization.....shall also be submitted"

Pg. 4: "...or deposit chemical wastes...." Should be changed to "...or chemical wastes, including swimming pool water...."

Pg 6: (4) "...All proposed culverts and dams meet the guidelines of the NY DEC for migration..." should be changed to "all proposed culverts, modifications to existing culverts and dams, or to the immediately adjacent water bodies controlled by them, meet the guidelines of the NYS DEC for the migration ..."

Steep Slopes. Mrs. Richards recommended steep slope protection could be changed from a slope that is 35% to 25%. This precipitated a lengthy discussion. Mr. Stolman said most communities are at 35%. Mr. Ciarcia expressed that there are different slope types and a variety situations where, some slopes are entirely rock. If the law is too restrictive, then the average homeowner that would like to put an addition on his home may not be able to do so. Mr. Stolman clarified that this is something that can be appealed. They could go to the Zoning Board of Appeals. This item is to be discussed further with the Town Attorney.

Mr. Stolman will work on preparation of a memo including all of the comments and recommendations as discussed.

Minutes

A motion was made by Dr. Hougham, seconded by Mr. Bossinas and unanimously passed to approve draft minutes of Planning Board meeting held May 6, 2015.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. McWilliams made a motion, seconded by Mr. Kirby that the meeting be adjourned to July 15, 2015.

Time noted 9:40 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: July 15, 2015