

February 9, 2011

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 9th day of February 2011. There were present the following members of the Planning Board:

George Weeks, Chairman  
Gregory McWilliams, Vice Chair  
Deborah Cohen

Absent: David Krieger  
Dennis Kirby

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

**Robert Gee, 557 North State Road, (Prestige Auto Detailing) Site Plan Amendment (Use Change)**

Mr. Robert Gee, 557 North State Road, LLC and Mr. Eric Cavalieri were present. Mr. Cavalieri is proposing to re-locate his auto detailing operation from a site at 537 North State Road to a vacant building at 557 North State Road (formerly Saab of Westchester). Mr. Gee provided a copy of the original site plan and several sheets with notes showing the layout of the building and existing signage. Mr. Cavalieri noted that he would like to re-letter the existing signs.

Mr. Stolman relayed a new sign detail is necessary, which should include colors, materials, size and lettering detail. Mr. Cavalieri explained further that one sign is proposed for the building and another sign at the monument type structure at the entrance of the site. The monument is two-sided. Mr. Cavalieri said he will contact a professional sign company but wanted to know if he could use the existing signs as a guideline.

Mr. Vanoli asked how the wastewater is to be handled. Mr. Gee said there is an existing wash bay inside the building used for prepping of new cars. There is an existing sump connected to a pump which is piped through a drain to where the back bathroom is currently. Mr. Vanoli recommended an inspection by the Building Inspector of the sump. Mr. Gee expressed that the waste water from this use is probably the same as what might come out of a washing machine. Mr. Gee will make an appointment with the Building Inspector and Mr. Cavalieri will provide sign details before the next meeting. There were no further questions or comments.

**MARCO GONCALVES, 19 McCarthy Drive, Filling & Grading & Retaining Walls**

Mr. Javier Taborga, AT Design Group, LLC., representing the applicant, reviewed plans titled Retaining Wall, Goncalves Residence, 19 McCarthy Drive, Ossining, New York, dated January 5, 2011. Two retaining walls are proposed at the rear of the property. A new home is currently under construction. Mr. Taborga gave an overview of the plan to the Board. The proposed retaining walls are four feet each with an eight foot separation, plantings and landscaping is shown.

Ms. Penelope Morgan, Attorney for Mr. Frank Lengers, 88 Cedar Lane, was present. She noted that there is a new trench from the back of 19 McCarthy directed towards Mr. Lengers' property. There are two large pipes in the trench. Mr. Herrick Lengers, brother to Frank Lengers, reported that water is constantly pouring out from the pipes. He said he has had to clean up mud and overflow on the patio a number of times. The lawn is always wet. It is a swimming pool of mud all the time. Mr. Taborga relayed that these two pipes catch roof runoff water which are supposed to be connected to the cultec units (not installed). Mr. Lengers insisted that is not the case. The problem is more than roof water.

Mr. Weeks relayed that the applicant needs to clean up the site and correct the existing problems. Mr. Goncalves is being ordered to retain all of the water and mud on site. Mr. Vanoli expressed that this situation is a violation on many levels. Collecting and redirecting water to another persons' property is violation of Town Code as well as New York State Law. Mr. Taborga relayed that the applicant is in Court with the Building Inspector and is trying to correct some of these issues. Mr. Vanoli said that is not acceptable. Mr. Goncalves is required to remedy these violations immediately. He is required to have hay bales, adequate silt fencing and cap off the pipes, by Friday, February 11, 2011.

When the project is complete, an as-built plan signed and stamped by an Engineer must be provided on all drainage facilities installed.

**LUIS BARROS, 120 Morningside Drive, Site Plan Approval**

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Mr. Taborga, AT Design Group, LLC., representing the applicant, submitted plans titled Site Plan for Pool, Barros Residence, 120 Morningside Drive, Ossining, New York, dated December 30, 2010. This project was referred by the Zoning Board of Appeals to the Planning Board for site plan review as a condition of a variance for 1 ½ feet for the pool structure. The pool was built without obtaining a building permit. The applicant is currently in Court for construction of an in-ground pool without a permit. Minutes of the Zoning Board meeting referring the application to the Planning Board were on file.

The Board asked several questions with regard to the fencing and location of surrounding properties. The rear corner of the property where the pool is located abuts the General Business District. There is a natural buffer beyond the fence area of the pool. A 6 ½ foot stockade fence is provided and additional new fencing is proposed. Mr. Taborga pointed out that the pool deck structure required variance of 1 ½' from the required 10' setback. The edge of the water of both the spa and the pool are further away from the property line. The following verbal resolution was adopted:

By request of the Zoning Board of Appeals to review the Site Plan for Luis Barros, 120 Morningside Drive, Swimming Pool, the Planning Board had opportunity to make inquiry and have the Town Consultants review the plan. Upon review, the Board has determined to grant site plan approval as per the request of the Zoning Board of Appeals for the pool only.

Ms. Cohen made a motion, seconded by Mr. McWilliams and unanimously passed to adopt the **Site Plan for Pool at Barros Residence, 120 Morningside Drive, Ossining, New York.**

**TINMAN MANAGEMENT, INC., 37A Old Albany Post Road, Site Plan Amendment**

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Mr. Taborga, AT Design Group, LLC., representing the applicant, gave an overview of the plan. There are two existing buildings on site. One is a roofing and home improvement business which utilizes sub-contractors. The second building is occupied by Corvettes of Westchester, a specialty automotive shop. The property is currently under violation by the Building Inspector for debris and storage of materials outdoors.

Mr. Taborga indicated that in an effort to clean up the site, they are proposing additional parking, fenced-in areas and box storage containers. The roofing business currently uses eight trucks and at times five additional subcontractors may use the site in connection with the home improvement operation. Mr. Taborga handed out a copy of an old site survey dated August 19, 1993, revised September 15, 1993 that showed some additional parking and a copy of a letter from the building department, dated May 19, 1994 which mentions approval of the parking spaces if the area is maintained in a neat condition and all fencing maintained in good repair. Further review is necessary.

**JIM ZAPPI, Rezoning Application, 558 North State Road, Report & Recommendation to the Town Board**

The Planning Board recommends that the entire subject property be zoned General Business (GB) expressly for the purpose constructing a residential development with a maximized affordable housing component, in accordance with Section 200-18B(1) and Article VI of the Town's Zoning Law, as these provisions may be amended, and subject to the Town and the property owner entering into a voluntary contract to ensure the implementation of this purpose and no other.

**PROPOSED LOCAL LAWS Revised – Review & Recommendation to Town Board**

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After thorough review and consideration the Board unanimously approved to recommend in favor of the Revised Draft Proposed Local Laws to Implement Recommendations of the Town's Comprehensive Plan, prepared by Frederick P. Clark Associates, Inc., dated January 21, 2011.

**MINUTES**

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The draft minutes of December 15, 2010 were held over to the next meeting for approval. A full quorum needed.

February 9, 2011

**ADJOURNMENT**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. McWilliams made a motion, seconded by Ms. Cohen that the meeting be adjourned to February 23, 2011, which was then cancelled and adjourned to the next meeting date of March 9, 2011

Time noted 9:15 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary

Town of Ossining Planning Board

**APPROVED: April 27, 2011**