

April 9, 2014

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 9th day of April 2014. There were present the following members of the Planning Board:

George Weeks, Chairman
Dennis Kirby
David Krieger
Gareth Hougham

Absent: Gregory McWilliams, Vice Chair

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

New Planning Board Member

Mr. Weeks introduced newly appointed Planning Board Member, Gareth Hougham, Ph.D., to the Board. Dr. Hougham fills the unexpired term of Ms. Cohen. The Planning Board welcomed Dr. Hougham.

General Electric, Shady Lane Farm Road & Old Albany Post Road, Re-Zone partial

Mr. Glenn Olney, General Electric and Mr. Dan Pozin, Attorney WKGJ, were in attendance. Mr. Pozin submitted copies of a color map, titled GE Crotonville BE Rezoning EAF, Ossining NY , Figure 2: Site Location Map. GE Crotonville Campus is the main lot, Parcel 1 and Parcel 2. The Town Board referred the applicant to the Planning Board for review and recommendation.

Mr. Pozin explained that the application is for the rezoning of two parcels just outside of the main GE campus. Lot 1 is approximately 7.0 acres in size and currently zoned Single-Family Residential (R30). Parcel 2 is 2.16 acres and the current zoning is (NC) Neighborhood Commercial. Mr. Pozin said there are no plans to build anything at this time, both parcels are vacant. They are asking that these parcels be rezoned to match the primary site which is located in the Business Education District (BE).

Mr. Stolman pointed out that Parcel 2 is now zoned R5 One-Family Residential rather than NC. The Planning Board will prepare a recommendation report for the Town Board. Mr. Pozin thanked the Board.

Jim Zappi, High View Farm, Barnes Road & 123A, B, & C Morningside Drive 24 Lot Cluster Subdivision

Mr. Weeks apologized to the audience for the lack of space in the conference room. Other options, such as the Community Center were not available for this evening. Mr. Zappi, his sons Brandon and Brian were in attendance accompanied by Attorneys, Mr. Adam Wekstein and Mr. Michael J. McDermott.

Mr. Wekstein asked the Board to consider approval of the conventional subdivision layout plan in order to move forward with the next steps which will include a more detailed cluster plan and a more particularized environmental analysis.

Mr. Ciarcia submitted and reviewed his memo, dated April 9, 2014, with members of the Board and the audience. The memo covers Water and Sewer, Stormwater Management, Croton Aqueduct and Steep Slopes. The study of a mudslide that occurred on an adjoining parcel was also addressed. However; there is no record of the mudslide complaint on file with the Town. It appears that this event was due to either improper slope stabilization or erosion control during construction of a new home on an unrelated parcel.

Public water and sewer are located in nearby proximity to the project. The applicant is intending to utilize these facilities. Water supply and sewage disposal do not constrain the number of lots that may be constructed on the property.

The final layout of the project will require the preparation of a Stormwater Pollution Prevention Plan (SWPP) to address erosion during construction and permanent improvements to mitigate the impact of the development.

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The applicant should provide documentation from the New York City Department of Environmental Protection (NYCDEP) regarding construction in proximity to the Croton Aqueduct.

Development of the property will require the disturbance of steep slopes. The Town of Ossining Code does not prohibit the disturbance of steep slopes, but provides standards for the review of steep slope disturbance. The Planning Board is the approval authority pursuant to the Ossining Steep Slope Protection Law for the subdivisions; and therefore, has the authority to approve the disturbance of steep slopes. The code defines the methodology for approving activities on steep slopes and the sketch plan provides an adequate basis for evaluation the feasibility of a 24 lot conventional layout.

If during the SEQRA review of the project, the Planning Board is made aware of information that could have an impact on the number of lots proposed during the sketch plan phase; the subdivision would be reduced accordingly.

On behalf of the Environmental Advisory Committee (EAC), Mr. Kirby submitted and read a memo dated April 9, 2014. The memo covers the Environmental Assessment Form (EAF), the Sketch Plan and certain recommendations that the Planning Board consider before accepting or approving the Sketch Plan.

The EAC prepared an in-depth review of the Environmental Assessment Form (EAF) and the Sketch Plan as submitted by Zappico on 2/19/13. In their report, the EAC questions many of the applicant's responses. Although there was a productive discussion of the EAC's report during a joint EAC/Planning Board meeting in December 2013-no update has been received. The EAC assumes that an updated EAF will be forthcoming from the applicant. Dr. Hougham asked if the applicant could submit an updated wetlands and slopes map that could reflect existing conditions of the site. The original maps were done in the dry season around September of 2013.

Mrs. Wendy Masserman, 10 Morningside Court, presented a memo on behalf of the "Concerned Citizens of Ossining" dated April 9, 2014 an evaluation report of the plan prepared by Mr. Daniel Chess, a retired Environmental Engineer with IBM TJ Watson Research Center in Yorktown. The memo covers concerns with Wetlands, Stormwater, Steep Slopes and Proposed Lot Count. A copy of the Town's Steep Slope Protection Ordinance with highlighted sections is attached to this report.

It is the residents' opinion that all of the environmentally sensitive areas mentioned should be considered off limits or conserved. The remaining lands would then be considered for development of roadways and building lots. In doing so, there is very little truly buildable land with space for approximately 4 or 5 lots. Also, they feel that this approach is more environmentally holistic and in keeping with the Town and State environmental regulations without the need for approvals, exceptions, and regulatory relief. They are asking the Board to issue a positive declaration, so the SEQRA process can begin and a formal scoping session can be scheduled with all interested parties and homeowners.

With this report, Mrs. Masserman presented copies of Mr. Zappi's sketch plan maps with highlighted areas of concern. The maps were later given to the building department. In addition to this presentation, audience members expressed serious opposition to the project asking if the number of lots can be reduced to less than half, or maybe four or five. Mrs. Masserman insisted that it is impossible to cut into a 40 foot slope filled with wetlands and not have a significant environmental impact to the community.

Mrs. Elkes, EAC Chair asked at this point, why the lead agency, the Planning Board, not declaring this a positive declaration, a significant environmental impact, one or more significant environmental impacts. In response, Mr. Stolman said this is not considered an action that the Board is taking, it is not an approval, is not a determination, it is not going to be done by resolution, it is just going to be a theoretical number that is floated out there for the applicant to use to start designing a cluster plan. At which point there is going to be extensive environmental analysis. Not only of the cluster but comparing the impacts of the cluster to the impacts of the conventional and if at any point in time there is any information that's put out there as part of this extensive environmental analysis that causes the Planning Board to think that 24, or 20, or 18 was too large a number that number will be reduced. At this time, the Planning Board is not taking any *action* as defined by SEQRA.

After this Mr. Weeks opened the meeting for public comment. At the request of several residents, the current Plan and EAF Form will be sent to the Town of New Castle for review. Application materials were sent to other involved agencies April of 2013. There has been no response or recommendation to date from any of these. Residents also expressed concerns with traffic, garbage collection, overcrowding, school buses, drainage pipes, and using the end of Tavano Road and the entry way. A resident said the project seems too large to be fully brought in through Tavano Road only, he recommends opening up of Morningside Court so that all of the traffic is not poured through the Tavano Road side.

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Mr. Zappi offered to meet with members of the Environmental Advisory Committee onsite, and invited a few members from the “Concerned Citizens Group”. He said there have been comments made about him and his project that are untrue and unfounded. His wetlands report and plans have been done by professional experienced Wetland Scientists and Engineers who have walked the site and have studied the site in great detail. Audience members said they were not interested in a site visit. In response, Mr. Zappi asked if anyone was in a position to buy development rights and purchase the property.

Another resident said in his conversations with Westchester Land Trust they would be interested in taking over management of property if it were to be purchased by the Town. He said there may be some worthy discussions to be explored, especially because it is adjacent to Ryder Park, which is enjoyed by Briarcliff, Ossining, New Castle. Mr. Weeks recommended he discuss this with the Town Board. The Planning Board cannot authorize the purchase of private property.

This raised the question by another resident, who asked who the Planning Board is responsible to. Is it the community or another Board and what are functions of the Planning Board in general. Mr. Spector explained that the Planning Board is an administrative Board that answers to the law. A volunteer Board appointed by the Town Board. He explained that this is how it is done in every Town, and this is how it is done by law.

Mr. Weeks thanked the audience for their input.

Minutes

Mr. Krieger made a motion, seconded by Mr. Kirby, and unanimously approved to adopt the draft of Planning Board minutes for the meeting held January 8, 2014.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Kirby made a motion, seconded by Mr. Krieger that the meeting be adjourned to April 23, 2014.

Time noted 9:45 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: May 20, 2014