

October 18, 2017

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 18<sup>th</sup> day of October 2017. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Greg McWilliams, Vice Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Marc Hoeflich, Member

Absent: David Stolman, Frederick P. Clark Associates, Inc.

Also Present: Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sami Suleiman, Frederick P. Clark Associates, Inc.  
Sandy Anelli, Secretary

**Butler Subdivision, 2 Hillcrest Drive, 2 Lot Subdivision – PUBLIC HEARING CONTINUED**

Mr. Dennis Butler, Applicant and Mr. Dave Sessions of Kellard Sessions Consulting were in attendance. Mr. Sessions announced they received approvals from the Zoning Board of Appeals with certain conditions of widening and improving road, a guiderail, and leaving open areas so neighbors could tie into the road if needed. Mr. Chin opened the hearing to the public.

Ms. Harris objected to the guardrail being placed in an area that will block her access and access of her neighbor. Mr. Sessions pointed to sheet 10 of 12 which was revised to show access from both of the lots. Mr. Sessions and Ms. Harris discussed this in detail. Ms. Harris stated that she does not want her rights and the rights of others to use the road extinguished in any way. Ms. Harris urged that she and others would like a guarantee. Mr. Sessions said the Board asked him to show a modified guiderail that would coincide with any potential driveway that needs access to Hillcrest Drive.

Ms. Zalantis clarified that the road is a paper street and everyone along Hillcrest has rights to use it. It will be a condition of the resolution and the maps will show that the guardrail will have to come down for future access. Ms. Harris also asked for clarification on the grade of the road and will it be possible to make those future connections. Mr. Sessions said he has shown the proposed grading and some on the neighbor's section that a driveway can be constructed in the event Ms. Harris needed to gain access. Ms. Harris said as long as the guardrail is up, it impedes access for her.

In response, Mr. Bossinas said the guardrail is there for safety reasons. The guardrail would be modified to accommodate the site based on a possible future extension to Ms. Harris' property. Mr. Sessions said the drawing shows this as part of that record. Mr. Bossinas also noted that the Board specifically asked Mr. Sessions to prepare this to show future potential access, they modified grading for this purpose and due to concerns as expressed in earlier meetings and again tonight. The Board wants this issue to be memorialized on the plans and in the resolution so not to impede anyone's access at any time in the future.

Ms. Coccozza expressed that she believes that the screening and trees were removed from the site and she still can see through to the site where the house would be. Mr. Sessions said they have made every effort to move this as far away from her property as possible. Mr. Bossinas and Dr. Hougham noted that they have asked the applicant to preserve as many trees as possible especially along her property line in order to preserve Ms. Coccozza's view shed. Mr. Sessions agreed that they would be willing to plant some evergreens but this would be a very selective evergreen screening when all of the leaves are down so they could identify specific areas that might need it.

Ms. Harris brought up a driveway maintenance agreement. Mr. Sessions said at this time, their attorney is drafting an agreement. Mr. Hoeflich asked Mr. Sessions to prove percentages of each neighbor's responsibility for driveway maintenance. Mr. Sessions said they can draft a fair and reasonable agreement, however, if no one wants to agree to the terms, this should not hold up their approvals.

Dr. Hougham asked for clarification of the potential driveway access and guardrail. He asked the applicant to confirm that their access will not be made less passable. Dr. Hougham said if she wants to make a change 20 years from now, she shouldn't have to litigate having that access. This precipitated a lengthy discussion.

Mr. Chin asked if the guardrail has to be in that location in a permanent status rather than something movable. Mr. Sessions said he could modify the grading and lessen the slope it will disturb a little more of Hillcrest Drive to flatten out the grades. They can re-grade to make the slope more gentle which will remove the need for a section of the guardrail. If they extend the disturbance and lessen the grade, they can remove a 10 foot section of the guardrail. Mr. Hoeflich asked for additional shrubs in the area of the curve of the driveway so when turning headlights wont shine into the Cocozza property. Mr. Sessions agreed.

Mr. Bossinas asked Mr. Sessions if he can leave 16 feet of Hillcrest with no barrier or guiderail for the neighbors to pass. The road is only 16 feet now, so by leaving 16 feet open at the point of the guiderail this eliminates this entire issue. Mr. Sessions agreed. Ms. Harris agreed if there is 16 feet available which is what the existing conditions are, this would be fine.

Ms. Jill Teneyck asked for clarification on where the new mailbox for this house will be installed and if the existing mailbox situation can be moved away from her tree. The mailboxes serving everyone in the dead end are in front of her home. Her tree was recently cut back so the mail can be delivered. She said she often has to pick up garbage and papers that are left on the street and would like to work out something where all of the existing mailboxes including the new mailbox can be moved to a completely new location. The Board recommended that the neighbors get together to create a mutually agreed upon mailbox location for the neighborhood. Additionally, Dr. Hougham asked the applicant to label the Pocantico River on their map. Mr. Hoeflich also asked Mr. Sessions to clearly label every drawing "Single Family Residence".

At this time Mr. Chin asked the Board for a vote to have a draft resolution prepared to include the points discussed this evening. Dr. Hougham made a motion, seconded by Mr. Bossinas and unanimously agreed to prepare a draft resolution of approval for the Butler Subdivision.

Mr. Sessions asked if the Board could close the public hearing at this time. Mr. Chin asked the Board to conditionally close the public hearing subject to revised documentation and continue to accept written comment from the public.

At approximately 8:40 p.m. Dr. Hougham made a motion, seconded by Mr. Hoeflich and it was unanimously agreed to close the public hearing subject to revised documents and continue to accept written comments only from the public.

### **Martinelli Lots, 1 Roosa Lane & 64 Hawkes Avenue, Site Plan & Architectural Review**

Mr. Martinelli was in attendance with Mr. Sessions who also is representing this application. Mr. Sessions gave a brief overview of the plan. A condition of the original resolution which was for subdivision had a stipulation that the applicant return when the homes are to be built. Individual site plans for each of the lots were submitted and on file. This application appeared before the Board approximately two years ago. Mr. Sessions addressed and updated engineering and planning comments given at that time in 2015.

Mr. McWilliams recommended certain modifications to include an ornamental garage overhang and slight changes to the grading of the driveway. Mr. Hoeflich noted that the both houses look identical and recommended they consider two different designs. Mr. Chin pointed out that the home on Hawkes Avenue has a porch facing the cemetery. Mr. Hoeflich recommended more trees between the two neighbors and the existing neighbor and the new home on the Hawkes side property line. Mr. Sessions pointed out that there are several large trees with very dense canopies to the left and most of the screening is existing. Mr. McWilliams suggested slight modifications to the porch design on 64 Hawkes. Mr. Hoeflich recommended additional architectural character and treatment to the windows of both homes and use something rather than vinyl siding such as Hardie Board. Mr. Hoeflich also suggested implementing solar where possible. In the earlier proposal from 2015 and again with this submission, Dr. Hougham recommended that the chimney/fire place bump out be brick face instead of vinyl siding. Dr. Hougham also is in favor of the fiber cement type siding instead of vinyl.

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Mr. Ciarcia noted that it appears the applicant has responded to engineering issues from 2015. Mr. Sessions asked Mr. Suleiman to provide any comments that F.P. Clark may have and if there are any new items required by Mr. Ciarcia before he returns to the Board with a revised plan. Mr. Sessions thanked the Board.

**Minutes**

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Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously passed to approve meeting minutes of the June 21, 2017 Planning Board meeting.

Mr. Hoeflich made a motion, seconded by Mr. Bossinas and unanimously passed to approve meeting minutes of the July 11, 2017 Planning Board meeting.

**Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Mr. McWilliams that the meeting be adjourned to November 1, 2017.

Time noted 9:35 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

APPROVED: December 6, 2017