

July 18, 2018

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 18th day of July 2018. 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

Also Present:

Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
David Stolman, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

### **Executive Session**

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Mr. Chin asked that the Board go into executive session. Mr. Hoeflich made a motion, seconded by Dr. Hougham and it was unanimously passed by the Board to enter into executive session at 7:35 p.m.

Mr. Hoeflich made a motion, seconded by Mr. McWilliams, and unanimously passed to reopen the meeting at 8:14 p.m.

### **Rayford Daverne & Sons, 52-1 & 52-3 Old Albany Post Road, New Homes, Architectural Review, PUBLIC HEARING CONTINUED**

Mr. John Fussell, Applicant, was in attendance. Mr. Fussell submitted photos of the surrounding properties, a site plan with topography, and sketches showing the proposed homes and interior layout. Mr. Fussell showed the Board pictures of the off street parking and existing conditions. The neighbor across the street currently parks on the property, Mr. Fussell spoke to the neighbor and they agreed that when the homes are built they will find alternate parking. The home will have a one-car garage and a small driveway. Mr. Hoeflich pointed out bamboo in one of photos. Mr. Fussell agreed to remove all of the bamboo. Mr. Fussell said deep hole testing was done a while ago and can be viewed on site.

Mr. Chin asked if there were audience members that would like to speak on this matter. There were none. Dr. Hougham asked the applicant about the retaining walls and if they could minimize the height of the walls if possible. Dr. Hougham asked the applicant to do some shading in the area of the steep slope on the plan of the entire site and to draw in the walls which would be helpful to all parties to get a sense of what that would look like. Dr. Hougham asked for clarification on the site plan date which is 2012. Mr. Fussell said he purchased the subdivision with this layout and building envelopes already in place 2012 is the approved plan. Also, if the walls could be a natural stone wall with no cement in the joints and to confirm an issue of adding a lower level bathroom. Mr. Fussell said there is absolutely no room on the basement level for a second bathroom. Dr. Hougham asked Mr. Fussell for a cross-sectional view of the property showing the house, the property front to back and the street. Mr. Fussell also confirmed that he will put in extra windows on both sides of the homes.

Mr. Ciarcia provided a memo dated July 18, 2018 which offers comments on the review of the two proposed residences. Mr. Ciarcia noted that some of the comments can be handled at the Building Department level. An important point Mr. Ciarcia requested that the applicant provide evidence that the owner of the property in the middle of these two homes (52 Old Albany Post Rd.) has provided permission for the grading and retaining wall extension that will extend onto that parcel. Mr. Ciarcia will further review the complete site plan. Mr. McWilliams asked for the dimensions of the driveway width and because of the fact there are walls on either side which can make it difficult to see when backing out and for oncoming cars to see. Mr. Fussell agreed to that and said he would like to use as much of the natural grade as possible, maybe lowering the walls as much as possible if he can. Mr. Fussell will provide additional items at the next meeting of the Planning Board.

### **593 North State Road LLC, Armstrong Plumbing, 593 North State Road, Site Plan Review**

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Mr. Michael Bell the Applicant and Mr. Tom Kerrigan from Site Design were present. Mr. Kerrigan presented the revised plan to the Board. A copy of the Town Environmental Advisory Committee's (EAC) letter dated July 18, 2018 was provided to the applicant and the Board. Mr. Stolman submitted and reviewed with the Board, Resolution of Site Plan Approval, titled 593 North State Road, LLC. Mr. Hoeflich recommended they follow the EAC's recommendation to daylight a piped watercourse that runs along the side property line.

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It was determined, since this is not new construction and the building will remain as is, it is unreasonable to ask the applicant to daylight the piped underground water channel. Dr. Hougham asked Mr. Kerrigan to consider opening up just part of the stream. Mr. Kerrigan said there is a concern that the hillside would not be stable and could wash away and in addition this would eliminate the planting area which they need in order to meet the Town's planting requirements. Mr. Hoeflich said that there is a river there and it was piped at some point in time and that if the applicant changes the parking area to the other side of the site this could work.

Mr. Ciarcia noted that if we open the stream up to the edge of the property line, now we have encumbered someone else's property with an environmental constraint (wetlands restrictions), and diminished the value of the property of the neighbor without their consent. Also, Mr. Ciarcia said the Board should keep in mind that areas where the streams are day-lighted, without the necessary tree canopy, you're getting more sunlight on the watercourse and increasing the temperature, especially in the summer months then you are depleting dissolved oxygen. In a sense, daylighting could backfire, because it can be made less hospitable to fish and wildlife. Dr. Hougham asked the applicant if they would consider daylighting only a small part of the stream anyway.

Mr. Kerrigan explained that if they were to open part of the stream, they would have to install substantial amounts of riprap and take other excessive measures to stabilize the area. After the Board discussed this issue for some time, it was determined that there is currently no mandate for requiring applicants to daylight streams on private property. Mr. Chin asked if the applicant if they would like to consider opening up a small area of the stream, but advised them that they are not obligated to do so. The applicant stated that they do not want to open this stream up at this particular time. They have to consider their own personal liability, property insurance issues and the adjoining property owner.

Mr. Stolman continued to read through the resolution approval and it will be amended to include what the EAC brought up in their memo such as: changing the wording of what is now being called a "drainage ditch and CMP" to the words "tributary to the Pocantico River" and to eliminate the use of lawn fertilizers, which is already in the Resolution, and to minimize wetlands with the use of trees and shrubs, which has already been shown by the applicant on the plan. Also, there is the need to override Westchester County's recommendation of extending the sidewalk to the front of this property which was not feasible to the applicant and the Board unanimously agreed not to continue the sidewalk at the prior meeting because it would stop after this property and not connect to anything.

At this time, Mr. Bossinas made a motion, seconded by Mr. McWilliams that the Planning Board adopt the 593 North State Road LLC, Resolution of Site Plan Approval, dated July 18, 2018, with EAC comments and additional note to override Westchester County Planning recommendation to extend the sidewalk as discussed above.

The Planning Board voted four (4) in favor and one (1) objection by Mr. Hoeflich, to adopt the **593 North State Road LLC, Resolution of Site Plan Approval**, dated July 18, 2018, with amendments as noted.

## **Minutes**

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Mr. Bossinas made a motion, seconded by Mr. McWilliams and unanimously passed to adopt the meeting minutes of the Planning Board Meeting June 20, 2018.

## **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 August 1, 2018.

Time noted 9:41 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: August 1, 2018**