

February 19, 2020

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 19th day of February 2020. There were present the following members of the Planning Board:

Ching Wah Chin, Chair
Jim Bossinas, Member
Gareth Hougham, Member
Carolyn Stevens, Member
Donna Sharrett, Member

Also Present:

Christie Addona, Attorney, Silverberg, Zalantis LLP
Valerie Monastra, AICP, Nelson, Pope & Voorhis, LLC
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary

Welcome New Planning Board Member and Town Planning Consultant

The Board welcomed Ms. Donna Sharrett, new Board Member and Ms. Valerie Monastra, new Town Planning Consultant from Nelson Pope & Voorhis, LLC.

Picucci Subdivision, 51 Croton Dam Road, 2 Lot Subdivision

Plans titled “Preliminary Plat prepared for Mark Picucci and Yellow Jug Corp, Croton Dam Road, Town of Ossining, Westchester County, NY” prepared by Ralph G. Mastromonaco, P.E. P.C., Consulting Engineers dated December 5, 2019 with latest revision dated January 29, 2020 were on file. The applicant proposes to subdivide the property to create a new lot at the front of the site. A single-family home currently exists on the property and is located in the R-15 Single-Family Residence Zoning District.

Ms. Monastra submitted and reviewed a memo dated February 18, 2020, titled 51A and 51 Croton Dam Road. The current lot proposed for subdivision is associated with a December 12, 2007 subdivision approval resolution which specifically states that a note shall be added to the final subdivision plat reading “ there shall be no further subdivision of lot 2”. While the final subdivision plat filed in 2009 does not specifically contain this note, it is evident that as a condition of the subdivision approval by the Planning Board lot was not to be further subdivided. A copy of the 2007 resolution was attached to the memo.

Mr. Ralph Mastromonaco PE, PC was in attendance. He reviewed the latest plan with the Board. He responded to earlier comments from Mr. Ciarcia’s December 18, 2019 memo, requesting a plat for review, verification of ownership of the 8” sanitary sewer, details on the proposed rain garden and footing drain location. With regard to the sewer service, Mr. Mastromonaco is in agreement with Mr. Ciarcia that the applicant will have to correct and change the 8” sanitary sewer service that currently exists serving two homes on the site with two individual lines, one for each home. Mr. Mastromonaco said that this will be fixed and his applicant is willing make those corrections.

In Mr. Mastromonaco’s response memo, dated February 10, 2020, on the issue of the subdivision note in a former resolution he said the note in the resolution was in response to the fact that the sewage pumping station near Feeney Road was in bad shape and could not take any additional flow. The Plat was signed and filed without the note about no further subdivision. The failing pump station was replaced with gravity sewer and there is no longer an impediment to further flow. That being the case, a new house can be connected to the sewer without creating a problem.

At 7:38 p.m. Mr. Chin asked the Board for a motion to enter into executive session. **Ms. Stevens made a motion, seconded by Dr. Hougham and unanimously passed by the Board to go into executive session.**

At 8:10 p.m. a motion was made by Ms. Stevens, seconded by Dr. Hougham and unanimously passed by the Board to reopen the meeting.

Mr. Chin asked the Board if anyone has further questions or concerns. Mr. Mastromonaco asked for a public hearing to be set, then he brought up the issue of road access and the 50 foot right-of-way which was discussed at an earlier meeting. Mr. Mastromonaco provided a copy of a filed easement agreement. He said this gives everyone on the property access and permits the lot to be subdivided and to use the same easement.

Picucci – continued

Ms. Sharrett asked if issues like steep slopes and water runoff were addressed. Mr. Mastromonaco said they showed capture of excess runoff on the first submittal with a rain garden and peak flow. They can design this to any standard needed. He said they are not ready to build a home at this time. Ms. Sharrett noted that there are concerns about what some of the other conditions were when the resolution stating that it couldn't be further subdivided was issued, not necessarily what can be done now. Mr. Mastromonaco noted that there were no other conditions at that time, except this sewer pump station needing repairs to accept additional flow.

After some discussion about the note in the resolution, Mr. Bossinas stated he is not comfortable changing a prior resolution of the Board. Mr. Chin also said there is no compelling reason to overturn the previous Board's decision. Dr. Hougham noted that if the applicant could provide further analysis, showing that there are no steep slope issues, he would be open to hearing those arguments. This was not a public hearing. The Board agreed to have the applicant provide more information on this issue. Ms. Sharrett also noted that she is not comfortable overturning the condition since it doesn't specifically say anything about the sewer pump station.

Mr. Mastromonaco agreed to provide more information but he said that the note was never put on the filed plat, it is only in the resolution. The Board was in agreement that this information makes it even more difficult for the Board to consider the request. After some discussion about the legality of the plat and the resolution note, the Board was in agreement that they would not overturn the previous decision. The Board directed Counsel and Town Planner to draft a resolution maintaining the original decision for consideration at the next meeting of the Planning Board.

Miscellaneous

Santucci and Schemmer Minor Subdivision – Mr. Matthew Steinberg, AICP, of Divney, Tung, Schwalbe, LLP, was in attendance. On behalf of the applicant, Mr. Schwalbe requested the Board extend the Resolution of Final Subdivision of Approval for a period of 90 days.

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the majority of the Board with abstention by Ms. Sharrett, **to grant a 90 day extension of time to the Santucci and Schemmer Minor Subdivision Resolution of Approval.**

Minutes

A motion was made by Ms. Stevens, seconded by Dr. Hougham and passed by the majority with abstention by Ms. Sharrett, to adopt meeting minutes of the December 18, 2019 Planning Board meeting.

Adjournment

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and it was unanimously passed by the Board to adjourn the meeting to March 4, 2020.

Time Noted: 8:39 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: May 6, 2020