

February 15, 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 15th day of February 2017. There were present the following members of the Planning Board:

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

Absent: Greg McWilliams, Vice Chair
David Stolman, Frederick P. Clark Associates, Inc.

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

Butler Subdivision, 2 Hillcrest Drive (Briarcliff), 3-Lot Subdivision – PUBLIC HEARING CONTINUED

Mr. William Butler, Mr. Dennis Butler, Mr. Jim Vanoli, Engineer and Mr. David Sessions, Kellard Sessions Consulting, PC were in attendance. Mr. Vanoli provided an updated wetland study prepared by Kellard Sessions and letters from NYS DEC and US Army Corps of Engineers with his submission dated January 18, 2017, copies were given to the Board and on file. Mr. Suleiman provided a review memo dated February 15, 2017 prepared by Frederick P. Clark Associates. Mr. Suleiman read and reviewed analysis and recommendation items to the audience and the Board. Mr. Stephen Coleman, the Town's Environmental Consultant was not in attendance but submitted a wetlands review memo which was read into the record by Mr. Hoeflich, copies were given to the applicant. Mr. Dan Ciarcia provided and read his memo dated February 15, 2017 which outlines engineering issues and items to be addressed.

Mr. Hoeflich expressed concern with steep slopes on site. Mr. Vanoli presented the profile plan of the proposed road. Mr. Hoeflich asked Mr. Vanoli to clarify the scale of the drawings. Mr. Sessions explained that the plans they are presenting are accurate and typical engineering practice. Mr. Ciarcia pointed out that the plan shows a grade of 12% with the proposed cutting and proposed filling. Mr. Suleiman brought up the point in the F.P. Clark memo where it notes that the requirement is a slope of 10%.

Mr. Hoeflich expressed additional concerns with the proposed road. He said a fire truck will have difficulty along with any other garbage truck, ambulance, or car. There's no place to turn around. Mr. Hoeflich asked the applicant to have the Fire Department weigh-in on this plan. The Briarcliff Fire Department is responsible for this area of the Town. Mr. Hoeflich asked for clarification of the plans. He asked the applicant to show all driveways that use Hillcrest Drive and to show all of the existing homes. He asked the applicants to report on what type of maintenance would be in place for future snow plowing and garbage pickup on the paper road. After some review and discussion, Mr. Chin opened the public hearing for comments from the audience.

Ms. Victoria Coccozza, 409 Chappaqua Road submitted a copy of her memo dated February 15, 2017. Copies were on file and submitted to the Board as follows:

BUTLER SUBDIVISION -2 HILLCREST DRIVE BRIARCLIFF MANOR

1. 2 HILLCREST DRIVE IS NOT OWNER OCCUPIED IT IS A RENTAL.
2. OVERCROWDING OF THE OSSINING SCHOOL SYSTEM AS PER RAY SANCHEZ, SUPERINTENDENT OF SCHOOLS.
3. THE PROJECT IS NEAR OR IN FRESHWATER WETLANDS PERMIT IS REQUIRED FOR PHYSICAL DISTURBANCE, WHICH WILL CAUSE FLOODING WHEN DISTURBING THE NATURAL FLOW OF WATER.
4. DEDICATION OF SEWER LINES AND HYDRANT? WHO WILL BE INSTALLING THE HYDRANT? AND WHO WILL BE PAYING FOR IT IN THE LONG RUN?
5. SEWER EASEMENT WILL BE ALONG OUR REAR YARD PROPERTY LINES....IN THE EVENT OF A BREAKAGE OR LEAK THE SEWAGE WILL BE IN MY YARD ON MY PROPERTY.
6. AS PER REAL-ESTATE AGENT MY PROPERTY VALUE CAN DECREASE DUE TO SEWER EASEMENT AND PRIVACY.

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7. 2 DRIVEWAYS COMING OFF A PAPER ROAD WITH PLANS TO IMPROVE? HOW CAN A PAPER ROAD BE IMPROVED WHEN IT ABUTES A STEEP SLOPE FOR THE SAID BUILDING LOT AND IS NOT 50 FEET WIDE.
8. FIRE TRUCK AND OR EMERGENCY VEHICLES WILL BE UNABLE TO ACCESS THESE 2 DWELLINGS.
9. TESTING OF WETLAND SOIL AND AREAS OF EXCAVATION ARE TO BE DONE DURING A GROWING WET SEASON...THIS IS NOT THE CASEAS PER KELLARD SESSIONS HIRED BY MR. BUTLER THE TESTING WAS DONE OCTOBER AND DECEMBER OF 2016. ALSO 2 HILLCREST DRIVE IS WITHIN 200 FEET OF WETLANDS AND OR WATER COURSES AS PER THE DEC MAP.
10. 105-7 Location of the construction area and the area proposed to be disturbed, and their relation to property lines, roads, buildings and watercourses within 250 feet.
11. KELLARD SESSIONS ALSO FAILED TO SUPPLY PICTURES OF THE SURROUNDING AREA OF CONSTRUCTION, WHICH WILL DISTURB I AND MY NEIGHBORS THE RIGHT OF **Quiet Enjoyment**. ... **Quiet enjoyment** is a right to the undisturbed use and **enjoyment** of real property by a tenant or landowner. The right to **quiet enjoyment** is contained in covenants concerning **real estate**. Generally a covenant is an agreement between two parties to do or refrain from doing something.
12. DRIVEWAY GRADES BETWEEN THE STREET AND THE SETBACK LINE SHALL NOT EXCEED 10%.....I THINK THAT WOULD BE IMPOSSIBLE DUE TO THE NATURE OF THE STEEP SLOPE.
13. WITH RESPECT TO A CONVENTIONAL SUBDIVISION LAYOUT, AT LEAST 75% OF THE MINIMUM LOT AREA REQUIREMENT OF A PROPOSED LOT SHALL CONSIST OF NEITHER "WETLAND" NOR "EXTREMELY STEEP SLOPE" AS THESE TERMS ARE DEFINED IN CHAPTER 105. FOR EXAMPLE 75% OF A 30000 SQUARE FOOT LOT WOULD BE 22500 SQUARE FEET MINIMAL LOT.
14. Except as required in § [200-24C\(3\)](#) of this chapter, no lot shall be created unless it has at least 50 feet of frontage on a street or highway which has been suitably improved to town, county or state road standards or unless a performance guaranty has been posted for such improvement. Further, no building permit shall be issued for the establishment of any use or the construction of any structure unless the lot upon which such use is to be established or such structure is to be constructed meets the frontage requirements of this chapter. IT IS TOTALLY IMPOSSIBLE TO EXPAND THIS PAPER ROAD TO 50 FEET .
15. FLAGGED PROPERTY AND WETLANDS AS WERE REQUESTED FROM PLANNING BOARD AT PREVIOUS MEETINGS which were never done.
16. DID THE PLANNING BOARD MEMBERS WALK THE SAID PROPERTY 2 HILLCREST DRIVE AS THEY SAID THEY WOULD DO AT PREVIOUS PLANNING BOARD MEETINGS.
17. DOES THE PLANNING BOARD REALIZE THE AMOUNT OF BLASTING AND CONSTRUCTION AND DISTURBANCE OF THE NATURAL WATER DRAINAGE WILL CAUSE TO MY PROPERTY. I AM AT THE LOWEST POINT. IT IS OBVIOUS THE POINT OF POOLING OF WATER WILL BE IN MY REAR YARD ALSO MY PROPERTY VALUE WILL DECREASE WITH THE SEWER EASEMENT AND LACK OF PRIVACY.

AND IN THE FUTURE OF SEWER BACKUPS, DRAINAGE PROBLEMS, OVERFLOWS OR BREAKAGEWHERE WILL IT GO? IN MY REAR YARD WHICH THEN WOULD BE A HEALTH HAZARD AND A DISTURBANCE TO I AND MY FAMILY.

I ASK THE BOARD TO ACTUALLY LOOK AT THIS PLAN IN WHOLE AND PUT THEMSELVES IN I AND MY NEIGHBORS POSITIONS AND ASK YOURSELF WOULD YOU WANT THIS IN YOUR BACK YARD?

WE ARE ALL OWNER OCCUPIED HOMES EXCEPT FOR MR. BUTLER. WE LIVE HERE OUR CHILDREN ATTEND SCHOOL HERE WE PARTICIPATE IN OUR COMMUNITY WE TAKE WALKS THROUGH OUR ROADS AND ADMIRE THE OPEN FRESH AIR UNTOUCHED NATURAL RESOURCES OF OUR PARKS AND PRIVACY, WE SHOP IN OUR TOWNS.

WE WANT TO KEEP IT AS SUCHDONT TAKE AWAY WHAT WE WORK SO HARD TO HAVE
SINCERELY
FRANK AND VICTORIA COCOZZA

Ms. Cocozza passed out photos that show trees from the view of her back yard. She said these trees will all be removed on order to build a house there. Ms. Cocozza also expressed concerns with the proposed sewer easement, wetlands, and slopes of the property. She also stated the property was never properly flagged for a site visit.

Dr. Hougham asked the applicant to flag the site and flag the location of where the homes are to be located. Mr. Vanoli expressed that the site will change in elevation, so the flagging may not be accurate. Mr. Chin asked for some type of onsite visual flagging. Mr. Chin reminded the applicant that Planning Board Members would like to visit the site and this particular property is concerning because of the steep slopes and the paper road. Mr. Sessions said they can stake it and they will provide some type of labeling with regard to cut and fill, building, etc. Mr. Butler extended an invitation to the Board. He said he can take everyone around the site.

Ms. Cocozza also noted that pictures supplied by the applicant do not show any other properties. In her opinion, the photos are deceiving. She said it looks like there are no other houses around this site based on this. Also, Ms. Cocozza expressed concerns with overcrowding of Ossining Schools and the proposed sewer easement that runs along the back of her entire property line.

Mr. Scott Kantrowitz, 3 Hillcrest Drive said his concern is that this development is creating a hardship to the neighbors and the community. Mr. Kantrowitz reported that recently the applicant cut down 12 trees at 2 Hillcrest so the property would appear wider and easier to access. Mr. Kantrowitz asked why the Zoning Board grant a variance to someone who is using this as an investment property. Also, looking ahead where would all of the construction trucks go? The road is only 12 feet wide.

Ms. Judith Harris, 2 Gordon Avenue, reiterated the fact that in her earlier submissions review of the Butler Environmental Assessment Form (EAF) is misleading and inaccurate. Ms. Harris submitted a memo dated February 15, 2017. In her review of the applicant's wetland investigation report, she noted it is insufficient and does not adequately address the wetland within 200 feet of the proposed site. Also Chapter 105, Section 105-3 of the Town Code requires that the applicant's wetland study be done during a "growing season".

Ms. Harris reported that the new submissions do not adequately address other issues that have been discussed at previous meeting and of grave concern to the surrounding neighborhood, including:

1. Lack of access for both emergency and non-emergency services to be the proposed new buildings.
2. Whether fire hydrants would be allowed to be installed within range to service the new buildings.
3. Whether the sewer easement would even be possible for these sites.

Of further concern is that the wetland report is silent as to the impact of the proposed development on the surrounding neighborhood, and how it would change the character of the neighborhood, as well as the right of neighbors to quiet enjoyment of their property.

Attached to this memo were memos from June 15, 2016 and April 20, 2016 with maps from Ms. Harris to the Board. Ms. Harris urged the Board to deny Mr. Butler's request to building the proposed subdivision. Copies of Ms. Harris' memo with attachments are on file and provided to the Board.

Ms. Jill Cesa-Teneyck, 5 Deer Trail reminded the Board that last year she submitted a letter that asked about the fire suppression system for the neighborhood. Ms. Teneyck was concerned that tonight's meeting was the first time this has been discussed. The first time the applicant was told to contact the fire department and in her opinion, this should have been discussed a long time ago because it is such a serious issue.

Mr. Teneyck, also 5 Deer Trail, talked to the Board on the issue of overcrowding the Ossining School District.

Mr. Coccozza, 409 Chappaqua Road, expressed concern with runoff. He said if the applicant is going to raise grade on the street and raise grade to build the house, this will create runoff that will all flow down to his property. Mr. Coccozza said this issue needs to be studied in more detail. Mr. Coccozza invited everyone to come to his property to see the slope and the layout from their view.

There were no further comments or concerns. Mr. Chin reminded the applicant to work on some of the issues discussed and to properly flag the property. The application was adjourned to a work session date of April 5, 2017.

Miscellaneous

Bethany Site Plans: The final site plans were submitted for review and signature. There was a small issue with a note on the lighting plan where it shows the Kelvin Temperature. Mr. Hoeflich said this was not incorrect; it was a range that Bethany agreed to. Before signing the plan, Ms. Zalantis recommended that the Planning Consultant prepare memo outlining that all conditions of the resolution of approval have been met. The Board agreed.

DiPiano Subdivision Map: A final subdivision plat was submitted for signature by the Chairman. Mr. Chin said he was not Chair during this application so a review of the resolution and a memo from the Planning Consultant indicating that all of the conditions have been met would be needed for this as well. The Board agreed.

Minutes

A motion was made by Mr. Bossinas seconded by Dr. Hougham and unanimously passed to approve draft minutes of Planning Board meeting held December 7, 2016.

A motion was made by Mr. Bossinas seconded by Mr. Hoeflich and unanimously passed to approve draft minutes of Planning Board meeting held December 21, 2016.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Mr. Hoeflich that the meeting be adjourned to April 5, 2017.

Time noted 9:15 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

Approved: April 19, 2017