

September 18, 2013

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 September 2013. There were present the following members of the Planning Board:

George Weeks, Chairman  
Gregory McWilliams, Vice Chair  
David Krieger  
Deborah Cohen  
Dennis Kirby

Also Present:

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

### **Yogolicious Briarcliff, 516 North State Road, Site Plan Amendment PUBLIC HEARING**

Mr. Weeks opened the Public Hearing at 7:30 p.m. posting of legal notice and affidavit were on file. Mr. Enzo and Steven Paternostro were in attendance. Mr. Enzo Paternostro stated that they will not be closing off access between their lot and 518 North State Road. At this time, they are looking for approval on certain exterior changes to the site only. Approvals are needed for a patio at the rear of the building, a shed, and eliminating the diagonal parking spaces only and re-stripping the driveway in this area.

Mr. Caricia discussed items outlined in his earlier memo, dated August 28, 2013 with regard to memorializing the location of twin 48" culverts and other drainage, also, easements for maintenance of these, and curbing on the plan.

Mr. Spector raised the issue of the existing cross access easement. He recommended they obtain a letter or a legal document from the adjoining property owner. This easement should also be shown on the plan. Mr. and Mrs. Torchia, property owners of 518 North State Road, were in the audience. They introduced themselves to the Paternostros. Mrs. Torchia said they are in agreement with providing a letter regarding easement document for the existing cross access situation and that elimination of the diagonal parking spaces does not change or affect the restaurant in parking in any way. Mr. Torchia noted that the diagonal parking spaces were never counted as part of their parking plan at the restaurant, and eliminating these has no bearing on their property. Mrs. Torchia asked for a copy of the most recent plan to review. The Paternostros agreed to discuss these items with the Torchias.

There were no further questions or comments. Mr. Weeks reminded the Paternostros that the next meeting is scheduled for September 25, 2013. A motion was made by Ms. Cohen, seconded by Mr. Krieger and unanimously passed to close the public hearing at 7:45 p.m.

### **The Woods in Westchester, Hawkes Avenue & Croton Dam Road, Wetland Permit Approval -PUBLIC HEARING**

Mr. Weeks opened the Public Hearing at 8:00 p.m. posting of legal notice and affidavit were on file. Mr. Peter Gregory of Keane, Coppelman, and Gregory Engineers, P.C. and Mr. Paul Jaehnig, Wetlands and Soils Consultant were in attendance. Plans titled Proposed Wetland Permit Plan, Woods In Westchester – Homeowner's Association, Croton Dam Road & Hawkes Avenue, Town of Ossining, Westchester County, New York, originally dated May 1, 2012, with latest revision date of August 9, 2013 and Pond Sediment Analysis Report dated April 15, 2013 were on file.

Mr. Gregory gave an overview of the pond restoration project to members of the audience. The proposal is to repair and restore the pond by dredging and using an area adjacent to the pond for decanting this material. The size of the decanting bag when full will be approximately 7 feet in diameter. Overnight it will collapse to about 3 to 4 feet in diameter as the water returns to the pond. After all dredging work is completed, the material will dry out, the bag will be cut open and material hauled off site. Another part of the project will be to stabilize the pond edge and provide landscape plantings along the fringe of water.

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Mr. Jaehnig discussed his study and report. He noted that sediment samples were retrieved from the pond and sent out for chemical analysis. Results came back showing the material to be perfectly safe and fine to be used for any purpose. He said this type of hydraulic dredging vacuum system is efficient and will protect waters downstream. The planting part of the project will take place next spring. Ms. Cohen asked if freezing weather conditions could have an impact or delay of the process and what type of safety measures are going to be in place. Mr. Gregory said they can work in cold temperatures, but their hope is to get approval and start as soon as October 1<sup>st</sup>. The operator will be wearing a wetsuit while in the pond; he will determine safe weather working conditions. Workers will be on site during the regular work day to supervise, at night hay bales and silt fencing will be in place.

Ms. Janet Eisenman, 96 Woods Brooke Circle asked how long the entire process would take. Mr. Gregory noted that the first stage, the dredging, would be approximately two to three weeks, then the bag is left behind to dry out for another two to three weeks after that. Then the bag is cut open and material removed. The total time frame could be about 6 to 8 weeks. Then they will return in the spring for planting. Also, a preventive maintenance plan will be put in place. This will keep the pond healthy and functioning properly.

Mr. Eric Peterson, 63 Pondview Court, expressed concern with potential flooding from the forebay area over the roadway and onto patios of some of the buildings. He said the original shape and size of the pond has been altered. It was a much smaller footprint on the original plan. In his opinion, the smaller pond was much safer because water did not come as close to ends of the dam, where now there is some flooding around the dam. He would like to see the banks of the pond restored to the original specifications. He said the flood gate at the dam had been replaced with a taller gate which made the water level higher. Mr. Peterson offered several design options. Mr. Weeks pointed out that these are important issues, but the current proposal is specifically for cleaning and maintenance of the pond. Reconstruction and design are considered separate issues and should be discussed with the condo Homeowners' Association.

Mr. Michael Goodman, 66 Pondview Court, expressed concerns with the silt pond on the other side of the bridge. He asked if the increased amount of water will be putting pressure on that wall and compromise the roadway bridge. His unit is right near the bridge. Mr. Ciarcia explained that the road there is a bridge and there is the possibility that during a storm event debris can get caught up in and around the pipes and the capacity of the culverts will be reduced which can cause water to run over the roadway. This can be somewhat prevented by having maintenance workers clean this out on a regular basis or in preparation of a storm. Another way of improving the situation would be to replace the three existing pipes with one large pipe.

Mr. Kirby asked Mr. Gregory and Mr. Jaehnig for a description of the decanting bag and proposed planting plan. Mr. Jaehnig said the decanting bag is made up of a synthetic fine mesh type material similar to what black silt fencing is made of. The planting schedule includes a variety of shrubs, deciduous and flowering trees, plants and grasses native to the area. These will go in and around the edge of the pond.

There were no further questions at this time. Ms. Cohen made a motion, seconded by Mr. Krieger and unanimously passed to close the Public Hearing at 8:15 p.m. Mr. Briante, President of the Woods HOA, thanked the Board.

## **Minutes**

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Ms. Cohen made a motion, seconded by Mr. Krieger and unanimously passed to adopt the draft of Planning Board Meeting minutes of August 28, 2013.

## **Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Krieger made a motion, seconded by Mr. Kirby that the meeting be adjourned to September 25, 2013.

Time noted 8:30 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: October 9, 2013**