

April 19, 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 19th day of April 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

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

**Butler Subdivision, 2 Hillcrest Dr., 2 Lot Subdivision - PUBLIC HEARING CONTINUED**

Mr. Dennis Butler, Applicant and Mr. Dave Sessions of Kellard Sessions Consulting were in attendance. New Plans dated April 10, 2017 were on file. A new Stormwater Pollution Prevention Plan and Environmental Assessment Form dated April 2017 were also on file. Mr. Sessions gave a presentation to the Audience and the Board. He talked about how the plan has changed from the original proposed three lot subdivision to a two lot subdivision creating only one new lot and keeping the existing dwelling on its own lot. The new lot would be 1.34 acre in size. This changes certain requirements to install a sewer main and a water main as the proposed new building can be put on septic and access a regular water service connection. The applicant is also planning to provide a sprinkler system in the new house.

Mr. Sessions discussed how access to the new lot would be achieved. The newly proposed lot requires the construction of a single, 12' wide private driveway within the Hillcrest Drive right-of-way. This will allow more trees to be saved, elimination of retaining walls and significant reduction in cut and fill to develop the lot. The new plan, with one new house, provides a greater setback from neighboring properties. This would be 150 feet from the property line to the south and 75 feet from the Hillcrest Drive right-of-way to the west.

At this time, Mr. Chin opened the meeting for public comment.

Ms. Nancy Barry, 3 Gordon Avenue urged that the Board consider this neighborhood more seriously as a potential flood zone. Ms. Barry talked about earlier storms and the effect on the neighborhood. Her property is extremely wet and gets overflow of water from past developments along Chappaqua Road and North State Road. Ms. Barry strongly urged the Board to carefully consider development in this area.

Mr. Kantrowitz, 3 Hillcrest Drive said his main concern is the road. The road is extremely narrow and difficult to pass. He paved the section of the road that leads to his house. He also wants some guarantee that his children can safely play on the driveway and road. Mr. Kantrowitz also talked about how an agreement for things like snow plowing and garbage is going to be handled. As far as the narrow road, Mr. Sessions said they can provide a small pull-off area. Mr. Hoeflich asked Mr. Sessions to clearly show three driveways to the west. Mr. Sessions said he can, but the current plan is showing access to the site through its own private driveway that is along the right-of-way. There would have to be an accommodation for maintenance of the road, snowplowing and services. Ms. Cocozza, Chappaqua Road, raised concerns with their stormwater plan and a nearby flood plain.

Since the project is less than originally planned, the necessity for a sewer easement may be eliminated. Mr. Ciarcia will research the need for this easement. The Briarcliff Fire Department is responsible for this part of the Town. It was recommended that the plan be sent to the Briarcliff Fire Chief for comment.

Dr. Hougham asked for an aerial photo that would show a view out towards Chappaqua Road. Also, he asked the applicant to note that there is a stream within 200 feet to state that the wetland is a tributary to the Pocantico River. Dr. Hougham also asked Mr. Sessions to make some corrections to their Environmental Assessment Form (EAF) and to note that the property is adjacent to a Nature Preserve. The Nature Preserve is owned by the Town of Ossining.

April 19, 2017

Ms. Judith Harris submitted the following letter:

To: Planning Board, Town of Ossining  
From: Judith Harris  
Re: 4/19/17 meeting regarding Butler/Hillcrest Proposal

I continue to oppose the above proposed development on Hillcrest, even with the changes in the new documents posted. A review of these documents, including the new Environmental Assessment Form ["EAF"] raises a number of concerns, including:

- 1) The proposal still does not adequately address issues related to the steep slope on the site, and how that would affect drainage into the adjacent wetlands and floodplain.
- 2) The documents do not address the fact that there are wetlands, as I am informed, within 200 feet of site on the adjacent Cocozza property.
- 3) The proposal does not address the issue of access for and provision of emergency services to the paper road on Hillcrest on which the proposed development is sited. This apparent lack of access for fire, police, and other emergency services poses a public safety hazard.
- 4) The proposal does not address access for and provision of non-emergency services such as garbage, snow removal, spring and fall road clean-up, and road maintenance for the paper road leading to the site. At a previous meeting, Butler's representative indicated this would be taken care of by the "neighborhood association." This is a pipe dream. There is no way that the neighbors will agree to pay for services for the paper road (not serviced by the town) for Butler's buyers and their buyers in perpetuity – for services our existing properties already receive from the town with our taxes.

The above are critical issues that have not been adequately addressed by the developer, and should be a bar to the project.

In addition to the new EAF not adequately addressing the above issues, it does not acknowledge the Ossining Nature Preserve which is located directly north of the site, or address the impact of the property development on it.

In conclusion, neighbors of this project feel that this developer, who does not live in our community, is trying to make a profit off our neighborhood, while wreaking havoc with the taxpaying neighbors. This is a proposal that affects the community negatively, in addition to the other issues raised above. As a Town of Ossining taxpayer and neighbor, I am asking the board to rule against this proposed development.

Thank you for your attention to these concerns.

Mr. Butler and Mr. Sessions said they can plan for a site visit by the Board on Saturday, May 13, 2016. Mr. Sessions said they will stake out the property showing where the house and driveway would go. The Board agreed that they would like to meet and walk the site together. Ms. Zalantis recommended a public notice of site visit of Planning Board Members be sent out. The Board agreed.

**Draft of Local Law 2 of 2017 Amending the Zoning, Tree Protection and Cabaret Chapters of the Town Code**

Mr. Stolman reviewed amendments to the tree chapter with the Board. Dr. Hougham talked about tree replacement and the options of a Tree Bank or Fund. Dr. Hougham asked if he could provide some information and amendments to the Tree Chapter before the Board approves the recommendation memo to the Town Board.

**Miscellaneous**

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**Schneider Subdivision 90-day extension** – A letter was on file from Kellard Sessions dated April 12, 2017 asking the Board for an additional 90 days. All conditions of the resolution have been satisfied with the exception of the neighbor providing proof that the easement has been filed.

Mr. McWilliams made a motion, seconded by Mr. Hoeflich and unanimously passed to extend the **Schneider Subdivision, Resolution of Approval for an additional 90 Days** from April 20, 2017 to July 20, 2017.

**Minutes**

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A motion was made by Mr. Hoeflich, seconded by Mr. Bossinas and unanimously passed to adopt the minutes of Planning Board meeting April 5, 2017.

**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. Hoeflich that the meeting be adjourned to May 5, 2017.

Time noted 9:47 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: June 21, 2017**