

November 6, 2019

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 6<sup>th</sup> day of November 2019. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Jim Bossinas, Member  
Carolyn Stevens, Member

Absent: Gareth Hougham, 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

**MGM Design & Construction Group, LLC Subdivision, 5 Hawkes Avenue, 2 Lot Subdivision, PUBLIC HEARING**

Mr. Edward Gemmola, Architect, Gemmola & Associates and Mr. Thomas Kerrigan, Engineer from Site Design Consultants were in attendance. Plans with latest revisions dated October 24, 2019 were on file. Mr. Kerrigan gave a brief overview of the plan. Mr. Stolman submitted and reviewed with the Board his memo dated November 6, 2019. Mr. Gemmola handed out copies of the proposed home design options for architectural review purposes.

The property is located on the easterly side of Hawkes Avenue (NYS Route 134) to the North of its intersection with Croton Dam Road. The property is in the R-20 One-Family Residence District and is 93,695 square feet (2.15 acres) in size. Existing at the rear of the property is the Dale Brook and a substantial portion of the property is wetland and wetland buffer. The applicant proposes to subdivide the property into two lot, with Lot 1 being 20,046.57 square feet and Lot 2 being 73,648.66 square feet in size. A new home is proposed on each lot.

Mr. Chin asked if anyone from the audience would like to comment on this matter.

**Mr. John Leslie, 121 Dale Avenue**, noted that the property was once proposed to be subdivided by the Thomas' but it was denied because of wetlands. Mr. Stolman pointed out that the wetlands for this site are delineated on the plan and there's a 100 foot buffer also shown. Mr. Leslie suggested that the Thomas Family was denied such an application and asked why this is allowed now. Mr. Stolman noted that there has been no application for subdivision of this property over the last 40 years. MGM Design Group is the only applicant that has come before the Planning Board. Mr. Gemmola reported that they did not purchase the property from the Thomas'. Mr. Leslie and Mr. Gemmola discussed the past proposals of the property. Mr. Gemmola noted that in their original plan they were proposing three home but because of the wetlands it has changed to two. Mr. Gemmola showed Mr. Leslie on the map where the new home is being proposed. He also pointed out the wetland and buffer area. Again, Mr. Gemmola said this property was not purchased from the Thomas'.

**Mr. Leslie** continued to express concerns with flooding in the area. He said even just a regular storm the backyards that are just north of that are flooded. Mr. Gemmola noted that the home that is there now has a regular mowed lawn which has been there forever. Mr. Gemmola noted that they are providing a wetland easement on the property which will cross to the back and connect to the Dale Brook. They are planting a lot of trees in this area as well.

**Ms. Elizabeth Marrapodi**, 1 Hawkes Avenue, expressed concerns with regard to flooding and water issues. She noted that with the construction proposed near Torview, the Rinaldi property, and all the building further up on Hawkes Avenue it is all going into the Kill Brook. Mr. Marrapodi asked how all of this water is going to be handled.

Mr. Kerrigan discussed functions of the proposed stormwater management plan. He noted that right now there is nothing in place on site. Their plan will retain much of the stormwater on site and the new swale will carry drainage away from Hawkes Avenue toward the Dale Brook.

**MGM Continued:**

**Mr. John Giorgianni, 4 Hawkes Avenue.** Mr. Giorgianni said he lives directly across the street from the home that is going to be demolished. He asked the applicants where exactly is the home going to be located on the site. At an earlier meeting, Mr. Giorgianni asked if they could move the driveway further up the road away from his driveway so they're not directly across from each other.

Mr. Kerrigan said because Hawkes Avenue is a State Road, State DOT requires driveways to have significant offset, or directly across. They are going to use the existing driveway directly across. The house is going to be roughly in the same location, a little bit back further. Mr. Kerrigan noted that they are preserving the existing tree line to the greatest extent that they can. There may be one to two trees coming out in that driveway but most of the trees are coming out of where the driveway for the new lot further up the road.

Mr. Kerrigan clarified to Mr. Giorgianni that there are only two homes. One where there is an existing home now and one on the new lot. Also, there will be a deed restriction on the wetland area so nothing can be built there going forward.

**Mr. Daniel Kang, 3 Hawkes Avenue** said he is the neighbor to the south on the adjacent property line. He said if the project meets all of the requirements of the code, he doesn't have a problem with it. However, he wanted to know if he could request the applicant to put up a fence on the property line. Mr. Kerrigan showed Mr. Kang the natural screening that is going to be added to the property line and pointed out the location of the swale. Again, Mr. Kang asked the Board if he can request that they put a fence up along that property line. A simple post and rail type fence to delineate the properties. Mr. Gemmola was in disagreement with this request for a fence.

**Mr. Leslie** spoke to the Board regarding sewer manholes in the road that have impacted his property. He noted that he is opposed to the Stony Lodge property and now there are new homes going in near Mancuso Drive and all of the additional construction in the area will impact the sewer system near his home. He has had the Town come and roto-rooter things out of the sanitary sewer system such as basketballs and other items. He expressed concerns with the age and size of the sewer system which, in his opinion, is the catch all from all of the condos and new construction in that area. He said he has had overflow of sewer coming into his home on Dale Avenue in the past. He wants someone to verify the capacity.

Mr. Chin clarified to Mr. Leslie that although improvements to the system may be needed, it is not the obligation of this applicant to correct it. Mr. Kerrigan noted that it is only one additional residence that will tie in, the existing home is already on sewer.

At this time, Mr. Chin asked if there were any further comments from the Audience or the Board. There were none. Mr. Stolman recommended the Board declare intent to be lead agency for this project.

Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to **Declare Intent to be Lead Agency under SEQRA for the MGM Subdivision Application and to refer the Application to the Environmental Advisory Committee for review and comment.**

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to **Adjourn the MGM Design & Construction Group LLC, 2 Lot Subdivision Public Hearing to December 4, 2019.**

**Santucci and Schemmer Subdivision, 37-41 Croton Dam Road**

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Mr. Matthew N. Steinberg, AICP of Divney, Tung, Schwalbe addressed the Board. A letter was submitted dated October 21, 2019 asking the Planning Board to extend the final subdivision approval for Santucci and Schemmer for an additional period of 90 days. Mr. Steinberg noted that they are currently working to fulfill conditions of the resolution. They are in the process of testing and getting an adequacy letter from the Water Department.

Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board **to grant a 90-day extension to the Santucci and Schemmer Subdivision Approval.**

**Minutes**

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Not available at this time.

**Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Ms. Stevens made a motion, seconded by Mr. Bossinas, and unanimously passed by the Board that the meeting be adjourned to December 4, 2019.

Time Noted: 8:25 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: December 18, 2019**