

November 13, 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 13th day of November 2013. There were present the following members of the Planning Board:

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

Also Present:

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

**Zappico Real Estate Development LLC, High View Farm, 16 Barnes Road & Morningside Drive, Cluster Subdivision**

Mr. Jim Zappi was in attendance accompanied by his sons Brian and Brandon Zappi, Mr. Adam Wekstein, Attorney. Mr. Zappi gave an overview of the project to the audience. A revised conventional subdivision plan titled High View Farm, 16 Barnes Road, Town of Ossining, Westchester County, New York, prepared by Hudson Engineering & Consulting, PC, originally dated January 9, 2013 with latest revisions dated October 30, 2013 was on file. This plan was amended to include a zoning compliance table and other minor details. Again, the plan was submitted to establish a lot count for the purposes of clustering the proposed subdivision. Environmental Advisory Committee (EAC) memo dated November 12, 2013 and EAC Full Environmental Assessment Form Report dated September 19, 2013 were on file and submitted to the Board.

The mailing address of the property is 16 Barnes Road. It is located between Tavano Road and Morningside Court. It is 31.6 acres in size. Mr. Zappi's intention is to build a cluster type subdivision. He said a wetland will be disturbed is in one area of the site for a road crossing. Other wetlands and watercourses on site will remain undisturbed. The wetlands have been flagged and marked out by the surveyor. Mr. Zappi said they are in the process of reviewing and have a full understanding of the Town's Wetlands and Steep Slopes law. Things like wetlands, flooding and storm water concerns are all going to be addressed. He further explained that storm water is captured and there is a zero rate of increase, which means whatever amount of storm water leaves the property now, will leave the property after development. Basins will be provided to purify the water as well as retain water. Detailed wetland and storm water reports will be provided. He assured the audience that any wetlands and/or buffer areas disturbed are going to be replaced 100%. Most of the wetland/watercourse area on site will remain as open space when the cluster layout is in place. Mr. Zappi introduced his Attorney, Mr. Wekstein to members of the audience and the Board.

Mr. Wekstein explained that the conventional plan being shown is very preliminary. It is a tool to allow for the design phase of the project and for the Board to make a determination of the maximum allowable lot count which in this case is twenty-four. The plan being presented is what is required by the Town's Subdivision Ordinance. It is part of the application process which complies with State and local Zoning Ordinances. If this is a reasonable acceptable plan, the applicant will take the next steps needed to come back with a more detailed cluster plan which does things like reduce impervious surface and to make it a more sound plan environmentally and provide various studies that would need to go with that to move the process ahead.

Mr. Stolman submitted and reviewed his memo titled, High View Farm (Zappi) Cluster Subdivision – Review of conventional subdivision Sketch Plan, dated November 13, 2013. The memo offers review and analysis of the plan. It further outlines; Purposes and Intent of Clustering, the Planning Board's Authority, Determination of Lot Count, and New York State Environmental Quality Review Act (SEQRA).

On April 15, 2013 the Planning Board sent notice to the other involved agencies regarding the project, in which the Planning Board declared its intent to serve as the Lead Agency under the requirements of the New York State Environmental Quality Review Act. In accordance with the provisions of SEQRA, the Planning Board received no objection to its declared intent and therefore became Lead Agency in May of 2013.

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The recommendation is the 24-lot conventional sketch layout is a plan which the Planning Board could allow for the purposes of establishing a maximum lot count in the context of the clustering provisions of the Town's Zoning Law. This is not to be considered an approval of subdivision plat. The requirements for an application for preliminary subdivision plat approval, as prescribed by the subdivision regulations, are at a more complete and higher level of detail. Mr. Weeks asked the Board to review this memo together with the plan.

Although this was not a public hearing, Mr. Weeks opened the meeting for comment from the public. Many residents expressed serious opposition to the plan. They expressed concern with regard to steep slopes, wetlands, and the number of lots being proposed. A resident asked the Board to consider lowering the lot count to possibly 10 homes. Another resident expressed concern with the impacts to "Shaft 4" (water pumping station near Ryder Park), the Aqueduct, as well as the surrounding homes.

Mr. Spector clarified that the Town's subdivision law says "the number of lots that can be approved by applying all regulations". This includes health code laws, steep slopes and all other laws. In addition to Mr. Stolman's review memo, which offers a high level of expertise, the matter does require additional review by the Town's Engineer. Mr. Spector recommended the meeting be tabled to allow for that, so the Engineer will be able to answer any questions or concerns of the public and can review this plan in conjunction with any other regulations that are within his purview. Mr. Weeks agreed and moved to table the matter to the next meeting scheduled for December 11, 2013, the Board agreed.

### **Minutes**

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Mr. Kirby made a motion, seconded by Ms. Cohen, and unanimously approved to adopt the draft of minutes of Planning Board meeting held November 6, 2013.

### **Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Kirby made a motion, seconded by Mr. McWilliams that the meeting be adjourned to December 11, 2013.

Time noted 8:35 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: January 8, 2014**