

VIA HAND DELIVERED

July 27, 2017

Zoning Board of Appeals
Town of Ossining
John-Paul Rodrigues Operations Center
101 Route 9A
P.O. Box 1166
Ossining, New York 10562

Attn: Sal Carrera, Chairman

**RE: *William Butler Subdivision
2 Hillcrest Drive
Town of Ossining***

ZBA Variance

Dear Chairman Carrera and Members of the Zoning Board:

Enclosed, please find nine (9) sets of the following materials prepared by Kellard Sessions Consulting, P.C. in connection with the above-referenced subdivision.

☐ ZBA Variance Plans, prepared by Kellard Sessions Consulting, P.C. dated July 27, 2017

- Sheet 1/12 Previous Three (3) – Lot Subdivision Layout
- Sheet 2/12 Site Features and Opportunities Plan
- Sheet 3/12 Grading, Drainage and Utility Plan
- Sheet 4/12 Driveway Profile
- Sheet 5/12 Slopes Disturbance Plan
- Sheet 6/12 Alternative “A”, 12 Percent Driveway Grade Site Plan and Profile
- Sheet 7/12 Alternative “B”, 10 Percent Driveway Grade Site Plan and Profile
- Sheet 8/12 Site Cross Section Plan
- Sheet 9/12 Site Cross Section Profiles
- Sheet 10/12 General Details
- Sheet 11/12 Erosion and Sediment Control Details and Notes
- Sheet 12/12 Aerial Plan

- Sheet 1/1 Septic Comparison Plan

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- ☐ Letter from Gerald D. Reilly, Esq. of Stephens, Baroni, Reilly & Lewis, LLP dated July 26, 2017
- ☐ July 11, 2017 letter from Building Inspector
- ☐ SEQRA Negative Declaration
- ☐ One (1) CD (pdf) of entire submission package, as well as prior Planning Board submission packages

The applicant is seeking a variance from Town Code Chapter 200-25.1 (a) (Street Frontage) which requires “fifty (50) feet of frontage on a street or highway which has been suitably improved ... or unless a performance guarantee has been posted...”. Since the proposed action has frontage along Hillcrest Drive, which is only forty (40) feet wide, a variance is needed.

Since the last time the application was heard by the Zoning Board of Appeals and the initial submission to the Planning Board, the project has undergone several significant changes.

Outlined below are the details of the current project and a comparison to the initial proposal:

- Lot Count – At its inception, the project consisted of a proposed three (3)-lot subdivision, which would develop the property into two (2) additional building lots, while keeping the existing dwelling on its own lot. The current development plan has eliminated one (1) of the lots from the proposal, resulting in a two (2)-lot subdivision; the creation of one (1) additional lot while keeping the existing dwelling on its own lot. The two (2) proposed lots will consist of a 1.40 acre lot (with the existing dwelling) and a 1.34 acre lot on which a new five (5) bedroom dwelling will be constructed. The current zoning for the property is R-30.
- Utilities/Wetlands – The previous three (3)-lot subdivision contemplated connecting all three (3) homes to public sewer and public water facilities. This would have required the establishment of sanitary sewer easements, installation of an eight (8) inch sanitary sewer main, installation of sewer manholes, connection to a sanitary manhole within the NYSDOT right-of-way securing NYSDOT utility connection permits and disturbance within the NYSDEC Freshwater Wetlands 100 foot adjacent area, requiring NYSDEC wetland permits. In addition, an eight (8) inch water main would be extended from Deer Trail and installed within the proposed roadway improvements to Hillcrest Drive.

The current two (2)-lot subdivision eliminates the installation of the water and sewer mains, associated utility easements and any work within the NYSDOT right-of-way or within the NYSDEC Freshwater Wetlands 100 foot adjacent area. The existing house will continue to use its existing septic system and water service connection, and the proposed new house will have its own septic system within the new lot. Deep and percolation testing has been conducted on-site with the WCHD for the proposed five (5) bedroom septic system. The testing has revealed that adequate soil depth and percolation exist for proper operation of the system. Permits are currently being processed at the WCHD office and we expect approvals shortly. Water service to the new house will be provided by construction of a new 1" or 1-1/2" water service connection to the Town main located in Deer Trail. The applicant is also proposing to sprinkler the new house.

- Access to New Lot – The previous three (3)-lot subdivision proposed full improvements to Hillcrest Drive. The previously-proposed roadway was to provide access to the two (2) new lots, and, therefore, flexibility with roadway width and horizontal/vertical alignment was limited. The currently-proposed two (2)-lot subdivision only requires the construction of a single private driveway within the Hillcrest Drive right-of-way to access the new dwelling. The private driveway allows for more flexibility in its design, which will allow more trees to be saved, elimination of retaining walls and result in a significant reduction in cut/fill to develop the lot. The driveway varies in width from fourteen (14) feet to nineteen (19) feet and has been designed utilizing truck turning templates and “auto-turn” software to ensure that a 35' long x 10' wide fire truck can safely access the proposed house over the driveway. Please refer to the attached July 11, 2017 letter from the Building Inspector to the Planning Board and Sheet 10/12 for a detail of the truck turning maneuvers.
- House Location – The development of the three (3)-lot subdivision would have resulted in building two (2) new homes. The home on Lot 3 was to be located ±26 feet from the southern property line and ±40 feet from the Hillcrest Drive right-of-way to the west. The home on Lot 2 was to be located ±36 feet from the Hillcrest Drive right-of-way. The currently-proposed two (2)-lot subdivision locates the new (and only) home ±150 feet from the southern property line and ±75 feet from the Hillcrest Drive right-of-way to the west.

As illustrated on the enclosed "Site Features and Opportunities Plan" (Sheet 2/12), the siting of the house considered several environmental factors, including attempting to provide as much buffer from adjacent properties. The environmental factors included steep slope considerations, locations of existing off-site septic area and the necessity to locate the proposed septic system on gently-sloping terrain. The proposed driveway grade of 14% allows the house to be set at an elevation that takes advantage of the existing grades of the site. As Sheet 3/12 illustrates, the proposed house grades (first floor elevation and walk-out basement elevation) work naturally with the existing grades, thereby eliminating significant earth moving and excessive fill. For comparison purposes, we have also prepared alternative site development plans and cross-sections (Sheets 6/12, 7/12, 8/12 and 9/12) that show alternative driveway grades (12% and 10%). As illustrated, the driveway alternatives below 14% result in forcing the house elevation out of the ground, thereby creating an unnatural siting of the house. Fills, tree removals and retaining walls also become excessive with these alternatives. The Planning Board, Town Engineer, Town Planner and Building Inspector have all determined that the 14% driveway grade results in the best grade alternative and minimizes environmental impacts to the greatest extent.

■ Septic Modifications

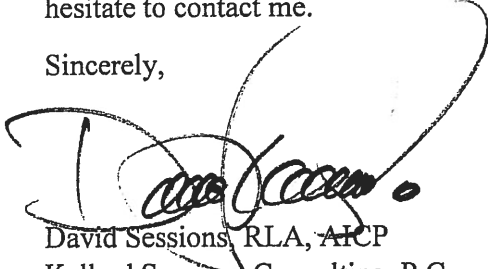
Over the course of the Planning Board review process, the applicant has modified its plans in response to comments issued by the Planning Board, Fire Department, Building Inspector and neighbors. The April 10, 2017 submission sited the primary SSDS ± 22 feet from the southerly neighbor's property line. In response to neighbor comments, the May 17, 2017 submission "flipped" the primary and expansion areas so that the primary trenches would be 57 feet - 80 feet away from the property line. This modification also saved three (3) trees within 30 feet from the property line. Another SSDS shift occurred with the June 13, 2017 submission, whereas the primary trenches were able to be shifted another three (3) feet away from the property line and the expansion area trenches were able to be shifted another five (5) feet away from the property line. As a result of these modifications, only one (1) tree will have to be removed for installation of the septic system. This tree is located approximately 95 feet from the southern property line. The enclosed Sheet 1/1 illustrates the history of the septic system modification since April, 2017.

By cover of this letter, we are respectfully requesting that this matter be placed on the Zoning Board of Appeal's August 7, 2017 meeting agenda for consideration of the requested variance.

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Should you have any questions or require additional copies of the submitted materials, please don't hesitate to contact me.

Sincerely,



David Sessions, RLA, AICP
Kellard Sessions Consulting, P.C.

DS/pg

Enclosures

cc: Dennis Butler w/Enc.
William Butler
Gerald D. Reilly, Esq. w/Enc.
Kathy Zalantis, Esq.