



MEMORANDUM

TO: Carolyn Stevens, Chair, and the Town of Ossining Planning Board

FROM: Valerie Monastra, AICP

CC: Christie Addona, Esq., Town of Ossining Planning Board Attorney
John Turnquist, Town of Ossining Building Inspector
Dan Ciarcia, PE, Town of Ossining Planning Board Engineer

DATE: June 30, 2026

RE: 512 North State Road ARB

Abel Magana ("Applicant") is seeking site plan amendment for parking lot and landscaping modifications ("Project"). The Project will be located at 512 North State Road, Section, Block, and Lot 90.19-2-15 ("Project Site"). The Project Site is within a GB, General Business, district.

GENERAL AND PROCEDURAL COMMENTS

1. **SEQR.** This Project is categorized as a Type II action under SEQR 617.5(c)(9): "construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities."
2. **Site Plan Approval.** This Project requires a site plan approval from the Planning Board, and a public hearing is required.
3. **Zoning.** This application will require area variances from the Zoning Board of Appeals for parking and landscaping requirements for any nonresidential use located near a residentially used or residentially zoned lot. See the Zoning comments below. The exact variances are unknown because the Applicant's site plan needs to provide setbacks and dimensions of the landscaped and parking areas.
4. **Easement.** The Project Site includes a Town-owned stormwater main, which will require a maintenance and access easement as a condition of site plan approval.

SUBMISSION COMMENTS

Modifications of the Current Site from What was Approved

5. The Applicant has modified the parking lot and buffer area. Additional information is needed to understand the specific modifications. In accordance with §200-50(A), Approval of site plans, the site plan application submittal is incomplete for the following reasons:
 - a) Dimensions of the parking spaces and aisles need to be provided because additional parking has been added that deviates from the original 2007 site plan.
 - b) Circulation and parking. Same reason as above.
 - c) Lighting Plan.
6. The site plan is missing the following elements outlined in §200-50(D), Site plan elements. We recommend that the Applicant include all required elements listed under the following sections:
 - a) Legal data.
 - i) The section, plate, block and lot number of the property taken from the latest tax records.
 - ii) The locations and owners of all adjoining lands as shown on the latest tax records.
 - b) Natural features.
 - i) Existing contours with intervals of five feet or less, referred to a datum satisfactory to the Board.
 - ii) Dimensions of the proposed buffer areas.
 - c) Existing structures and utilities.
 - i) The location, direction, power and time of use for any proposed outdoor lighting or public address systems.
 - d) Proposed development.
 - i) The location of utilities.

ZONING COMMENTS

Parking

7. The site plan provides 48 parking spaces, which is above Town requirements. As per §200-29, the following off-street parking requirements for a restaurant are: 1 for every 3 seats or 1 for every 75 square feet of gross floor area, whichever is greater. With the building's maximum occupancy being 132 persons, a maximum of 44 parking spots is required.
8. As per §200-18(D)(4), GB, General Business District, "parking areas for any nonresidential use shall be located at least 20 feet from a residentially used lot or residentially zoned lot." The Applicant will need to seek a variance from the ZBA unless amendments are made to the site plan. Specific dimensions need to be provided by the Applicant.
9. As per §200-29(D), "wherever a parking area of over five spaces abuts or is within 15 feet of the side or rear lot lines of a lot in any residence district, said parking lot shall be screened from such adjoining lot by a substantial wall, fence or thick hedge, approved by the Planning Board. Generally, such screen shall be not less than three nor more than eight feet in height." The Applicant will need to seek a variance from the ZBA unless amendments are made to the site plan. Specific dimensions need to be provided by the Applicant.

10. The Applicant needs to update the site plan to confirm that the new parking area meets the requirements of §§200-29(A)(3), and (4), size of spaces and access. Specific dimensions need to be provided by the Applicant.

Landscaping

11. In accordance with Section 200-18(D)(2), GB, General Business District, setback and screening requirements for nonresidential uses that are contiguous to residentially used lots or residentially zoned lots:
- a) “Between any nonresidential use and a residentially used lot or residentially zoned lot, a buffer area at least 20 feet wide with native, noninvasive landscape screening shall be provided.”
Based on the landscape plan provided, certain buffer areas adjacent to the rear property appear to be ~7.5 feet from the wall, which does not meet the zoning regulations, and the Applicant will need to seek a variance from the ZBA unless amendments are made to the site plan. Specific dimensions need to be provided by the Applicant.
 - b) “Such plantings shall be a mix of evergreen shrubs, and coniferous and deciduous tree species. Said coniferous trees shall have an initial height of at least six feet, said deciduous trees shall have a minimum caliper of four inches as measured 12 inches above finished grade, and said trees shall have an expected ultimate height which suits their intended purpose and shall be planted close enough to form a visual barrier.” The proposed shrubs – Bridal Wreath and Leather Leaf Viburnum – are not considered evergreen species and do not meet the Town requirement. Additionally, no spacing details have been mentioned between the proposed plant plantings to ensure an adequate visual barrier is achieved. Applicant will need to seek a variance from the ZBA unless amendments are made to the site plan.
 - c) “Proper maintenance of all fencing and landscape plantings shall be a continuing requirement. All such vegetation shall be maintained in a healthy and vigorous growing condition; all vegetation not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season.” We find that the landscape plan does not include a schedule of check-ups to ensure proper maintenance of all plantings (or fencing).

Lighting

12. Please provide a lighting and photometric plan that demonstrates the proposed lighting will meet all specifications outlined in §200-50(A)(4), including the following:
- a) Exterior lighting in connection with all buildings, signs and other uses shall be downward-pointing, properly designed and shielded, and directed away from adjoining streets and properties so as to avoid any objectionable glare from being observable from such streets and properties.
 - b) No use shall cause illumination beyond the property on which it is located in excess of 0.5 footcandle, or the equivalent, as demonstrated by an illumination contour plan.
 - c) The color temperature of outdoor lighting shall not exceed 3,000 Kelvin (3,000 K).

PLANNING COMMENTS

13. The property has a Town-owned stormwater line that runs through the rear of the property. Per conversations with the Town Highway Superintendent, the landscape buffer areas can be enlarged if the Planning Board requests the enlargements. The only area that should remain clear of any growth or landscaping is by the catch basin (see photos below).



Figure 1: Catch Basin on the Property



Figure 2: Landscape Area that could be Expanded

14. The Town of Ossining also consulted with the Town Tree Expert regarding the branch removal of the White Pines. The Tree Expert recommended that the Applicant remove the dead branches to mitigate safety hazards and that the trees, as currently pruned, are healthy and stable. There is no need to remove them.

SUBMISSION MATERIALS

The following materials were submitted by the Applicant and examined by our office for the preparation of this review:

- a) Site Plan, prepared, stamped, and signed by Stephen J. Ferreira, P.E., dated August 17, 2007
- b) Narrative, "Landscape Design, Rear Parking Lot", dated June 22, 2026
- c) Site plan by Stephen Lopez, AICP, RLA, dated June 16, 2026, with the following sheets:
 - i) Landscape Plan, dated April 16, 2026
 - ii) Existing Conditions & Removals, dated June 16, 2026