

January 15, 2025

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on January 15, 2025 at 7:30 p.m. at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference. Members of the public were able to attend in person or view and/or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/83962945503>

There were present the following members of the Planning Board:

Carolyn Stevens, Chair
Jim Bossinas, Member
Manny Enriquez, Member
Kim Jacobs, Member

Absent: Donna Sharrett, Member

Also Present: Christie Addona, Attorney, Silverberg, Zalantis LLP
Valerie Monastra, AICP, Nelson, Pope & Voorhis LLC
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary
Margaret Conn, Zoom Secretary

Jennifer and Pascal Smith Couti Subdivision, Steep Slopes, Tree Removal and Wetland Permit, 94 Somerstown Road

Jennifer and Pascal Smith Couti (“Applicant”) is seeking Subdivision approval, and Steep Slopes, Tree Removal Permit, and Wetland permits for a three-lot subdivision. The Project will be located at 94 Somerstown Road, Section, Block, and Lot 90.11-1-1 (“Project Site”). The Project Site is located in the R-40 Residential District.

Plans and application materials dated September 26, 2024, prepared by ALP Engineering and Landscaping Architecture LLC, were submitted and on file. Site Plans by ALP Engineering and Landscaping Architecture LLC. last revised November 22, 2024, with the following sheets: a. C-101 Layout/Subdivision Plan b. C-102 Grading and Utilities Plan c. C-103 Erosion and Sediment Control Plan d. C-104- C-105 Tree Preservation/Removals Plan e. C-106 Landscape Plan f. C-107 Steep Slopes Plan g. C-111 Driveway Profile h. C-112 Construction Details.

Applicants, Jennifer and Pascal Smith Couti and Alan Pilch, Engineer, were in attendance. Mr. Pilch gave a brief presentation to the Board. The proposal is to subdivide 6.45 acre property into three lots. Access would be by common driveway. The northern property line is a municipal boundary line with Town of New Castle. It’s the last parcel on Somerstown Road in the Town of Ossining. The proposed lots will be served by private well and septic system. Applications have been submitted to the Health Department and are currently under review. The property is surrounded by single-family homes in the R-40 Residential District. There’s an existing wetland on the property which was flagged by Pfizer-Jahnig Environmental Consulting. The disturbance in the wetland buffer will impact a total of 10,976 square feet. The applicant is also seeking a tree removal permit and steep slopes. Mr. Pilch described and presented a slopes plan in detail. For the tree removal permit, the applicant will need to calculate and submit total caliper inches of trees to be removed.

Mr. Ciarcia recommended contacting the Fire Department regarding the road and that they work on their stormwater prevention plan including any easements associated with stormwater practices for the common area, or HOA agreements.

Ms. Monastra submitted and reviewed with the Board, a memo dated January 8, 2025. Memo was given to the applicants in advance of the meeting and offers the following comments for consideration:

GENERAL AND PROCEDURAL COMMENTS

1. SEQR. This project is categorized as an Unlisted action under State Environmental Quality Review (SEQR). A Short Environmental Assessment Form Part 1 was submitted. The Planning Board can circulate a Notice of Intent to be Lead Agency to commence the SEQR process. See additional SEQR comments below.

94 Somerstown Rd Subdivision Continued

2. Zoning. The Project Site is in the R-40 zoning district and the applicant provided a zoning table for all three proposed lots. While it appears that the proposed lots will be zoning compliant, the applicant did not provide information that would confirm if the lots are buildable per §176-18, Lots. Please submit these calculations. See subdivision comments below.
3. Subdivision Approval. This application requires Subdivision approval from the Planning Board and a public hearing is required. This application is also considered a minor subdivision as defined in §176-2. The application is not complete. Please provide the following information:
 - a. Per section §176-18, Lots, "with respect to a conventional subdivision layout, at least 75% of the minimum lot area requirement of a proposed lot shall consist of neither "wetland" nor "extremely steep slope" as these terms are defined in Chapter 105, Freshwater Wetlands, Watercourses and Water Body Protection, and Chapter 167, Steep Slope Protection, respectively, of the Town Code. For example, in an R-40 Zoning District, at least 30,000 square feet (75% of 40,000 square feet) of the proposed lot shall consist of neither "wetland" nor "extremely steep slope." Please provide calculations that confirms the lots will meet these regulations.
4. Wetland Permit. This application requires a wetland permit from the Planning Board and a public hearing is required. In accordance with §105-6(B), the Planning Board shall refer the application to the Environmental Advisory Committee for its review and report. This application is not ready for referral. Please provide the following information:
 - a. A full report regarding the delineation with data sheets shall be submitted.
 - b. A discussion of the existing specific ecological functions of the wetland being affected, based on the functions described in § 105-1(C) , and the impacts to those functions by the proposed activity.
 - c. The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement, and the procedures to be used to do the work.
 - d. Details of any temporary or permanent drainage system proposed both for the conduct of the work and after completion thereof, including locations at any point discharges, artificial inlets or other man-made conveyances which would discharge into the wetland or wetland buffer, and measures proposed to control erosion, flooding and water pollution both during and after the work.
5. Per 105-10(B) the Planning Board shall require the preparation of a mitigation plan which shall specify mitigation measures that replace and/or restore, to the greatest extent reasonably practical, the functions of the original wetland and/or buffer area in terms of type, ecological benefits, geographic location and setting, and size. Please provide one.
6. Steep Slopes Permit. This application requires a wetland permit from the Planning Board and a public hearing is required. In accordance with §167-9(C), the Planning Board shall refer the application to the Environmental Advisory Committee for its review and report. This application is not ready for referral. Please provide the following information:
 - a. The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement and the procedures to be used to do the work.
 - b. Provide information on the stabilization of the slopes and details on any proposed retaining walls.
7. Tree Permit. This application requires a tree removal permit from the Planning Board and a public hearing is required. In accordance with §183-10(E), the Planning Board shall refer the application to the Environmental Advisory Committee for its review and report. This application is not ready for referral. Please provide the following information:
 - a. While the applicant provided a tree removal plan, the applicant did not submit the total DBH of the trees to be removed as well as the total proposed for replacement.
 - b. The applicant will need to adhere to §183-12 (G) and should provide documentation that they meet the 50% replacement of the total aggregate diameter of trees proposed for removal with new trees requirement or a payment to the tree bank fund is required.
8. Additional Agency Approval. This application will require approval from Westchester County Department of Health, NYS Department of Transportation, and NYS Department of Environmental Conservation.

January 15, 2025

94 Somerstown Rd Subdivision Continued

9. County Referral. This project will require referral to the Westchester County Planning Board per Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code.
10. Emergency Services. It is recommended that the Fire Department review the proposed subdivision for fire access and suppression.

SEQR COMMENTS: After reviewing the A Short Environmental Assessment Form Part 1, additional information is required to complete the environmental review. 1) Wetlands. The EAF form identified wetlands are located on the Project Site. New NYS wetlands regulations that took effect in January 2025 require consultation to NYSDEC to determine if these wetlands are of unusual importance. 2) Archeological Site. The Project Site is within an archeologically sensitive area. A consultation with the New York State Office of Parks, Recreation, and Historic Preservation is required. 3) Historic Site. This project has been identified as containing or substantially contiguous to a building, archaeological site, or district. A consultation with the New York State Office of Parks, Recreation, and Historic Preservation is required.

At this time, a motion was made by Mr. Enriquez, seconded by Ms. Jacobs and unanimously approved by the Planning Board to circulate its Notice of Intent to be lead agency under SEQRA for the Smith Court Subdivision, Steep Slopes, Tree Removal and Wetland Permits at 94 Somerstown Road.

Mr. Pilch thanked the Board. The applicants will re-submit items outlined in the memo.

Minutes

Minutes from October 16, 2024 were held over due to lack of quorum.

Adjournment

A motion was made by , seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the Planning Board meeting to February 19, 2025.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: February 19, 2025