

February 19, 2025

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on February 19, 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:

There were present the following members of the Planning Board:

Carolyn Stevens, Chair
Jim Bossinas, Member
Donna Sharrett, Member
Manny Enriquez, Member
Bill Boyd, Member
Kim Jacobs, Alternate 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, Secretary

The Board welcomed Bill Boyd, new member of the Planning Board. Mr. Boyd fills the unexpired term of Jason Mencher.

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. The proposal is to subdivide the 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. The proposed lots will be served by private well and septic system. Revised Plans and Stormwater Pollution Prevention Plan (SWPPP) received February 3, 2025 were on file. Applicants, Jennifer and Pascal Smith-Couti and Alan Pilch, Engineer, were in attendance. Mr. Pilch gave a brief overview of the plans and updates.

Ms. Monastra submitted and reviewed her memo dated February 14, 2025 with the Board. This project is categorized an unlisted action under State Environmental Quality Review (SEQR and considered a Minor Subdivision as defined in Chapter 176-2. The Board can refer the wetlands application to the Environmental Advisory Committee (EAC) however, there are some additional details needed relating to ecological functions of the wetlands and more information with respect to draining, filling, grading, dredging and vegetation removal or displacement and procedures to be used to do the work. Also, the Towns Tree Expert, Craig Stevens, should review tree removal plan and planting plan. Board Members would also like to schedule a walk-thru if possible.

A letter from New York State Parks, Recreation and Historic Preservation (OPRHP) dated January 30, 2025 was on file. It states, based on their review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. The applicant also provided a memo dated January 12, 2025, that confirms they have successfully submitted a request to the New York State Department of Environmental Conservation (NYSDEC) for a Freshwater Wetlands jurisdiction determination and a referral to Department of Transportation (NYS DOT) these are still pending.

Two memos relating to Fire Department Access Road and water access were submitted to the applicant earlier in the week. Fire Department comments asked for a wider access road and recommends a water line for hydrant be brought closer to the site. Building department comments submitted by Jon Turnquist relate to the current New York State Fire and Building Code requirements. The applicant requested a meeting with Engineering, Building Department and Fire Department.

At this time, Ms. Stevens asked Board Members for comments. Ms. Sharrett discussed her comment memo with Mr. Pilch and the Board, as follows:

1. *The Topography of the 94 Somerstown property and the adjacent New Castle property should be analyzed to determine if the proposed driveway will block water from coming into the wetland.*
2. *The EAF should be corrected before being submitted to the EAC.*

94 Somerstown Continued

3. *Trees and plants will have to be watered until established, weekly the first year, and during dry periods for the next 5 years. Rain garden plantings must be watered during dry periods until the plants are established. The deer protection must be monitored, vines and invasive plants removed, and the health of the trees needs to be monitored and maintained.
Who will be maintaining the plantings – trees, shrubs, rain garden plantings, and the storm water management detention basin?*
4. *A Landscape Maintenance Plan, and a Deer Protection Plan must be submitted?*
5. *How will siltation of the Rain Gardens and Stormwater Management Detention Basin be remediated? And by whom?*
6. *Road salts & oils, and lawn & landscape chemicals cannot go into the wetlands or Rain Gardens. The Stormwater Management Detention Basin which services an impervious driveway.*
7. *Rain Gardens and/or Stormwater Management Detention Basins that cannot be adequately maintained in perpetuity should not be permitted.*
8. *A revised Existing Tree Inventory that conforms to our town's tree protection code specifications (183-10.A(7)) should be submitted. The scientific Latin names should be included.*
9. *In the current proposal, trees indicated to remain are in areas indicated to be soil stockpiles, septic fields, stormwater management rain gardens, the detention basin, the erosion control geotextile mat, and in very close proximity to the structures' footprint and driveway – too close to adequately protect the trees from construction impacts. All trees to be removed must be included in the list for removal and indicated as such on the Tree Preservation/Removal Plan (C-104).*
10. *Lawn areas and areas to have irrigation systems installed should be indicated on the Landscape/Planting Plan, as should the "Limits of Construction Disturbance" – to include the space needed for the construction equipment to perform all the work proposed.*

All trees to be removed for lawns, irrigation systems and the "Limits of Construction Disturbance" must be included in the list for removal and indicated as such on the Tree Preservation/Removal Plan (C-104).

After a revised Existing Tree inventory is submitted, our Town's Tree Expert should perform an onsite verification of tree identifications, size and health. Both the "Area of Restrictive Covenant" and the area between the proposed road and the adjacent property should be assessed by a Tree Expert appointed by the Town to determine the potential for successful plantings amongst mature trees.

11. *A Planting plan that will have the potential for long term success must be submitted for this application.*
12. *No pools should be permitted.*
13. *Lot# 3 should not be permitted. This very steep, and extremely steep sloped property which slopes into a wetland is not suited for the proposed Lot # 3.*
14. *Lot # 3 doesn't appear to have an erosion and sediment plan.*

Submitted Memos/Letters

Wetland Delineation (December 14, 2023)

1. *It should be noted that the date of observation would not have been conducive to finding very many ground cover/ native perennial or annual plant species, or any vernal pools which are protected by our Wetland Protection code. And have the potential to be classified as "Wetlands of Unusual Importance" by the DEC.*

Westchester County memo

1. *Sufficient mitigation measures should be performed to mitigate the disturbance to the wetland buffer. This area is one of 2 listed forests in the Town of Ossining. Existing trees should be preserved as much as possible. Species of trees to be removed should be replaced to mitigate wildlife habitat losses.*

Nelson, Pope, Voorhis Memo dated February 14, 2025

1. *The Town's Tree Expert should review the tree removal and planting plans and should perform an onsite evaluation of the revised existing tree inventory.*

Site Plan:

1. *The PB should be permitted a site walk (during favorable weather conditions) to see existing conditions.*
2. *What is the "Traveled ways" (Layout/Subdivision Plan; Page 1)*
3. *The site plans should include the amendment dates*
4. *Where is "Note 9" for the area of restrictive covenant? What is the restricted covenant? (page c-102: Grading and Utilities Plan)*
5. *The arcs for the septic systems should be shown?*

94 Somerstown Continued

Lots 1 & 2:

1. *Why are the garages detached?*

Landscape/Tree Planting Plan:

1. *A Planting Maintenance Plan and Deer protection Plan must be submitted.*
2. *Tree name tags must not be removed prior to inspection of the trees after installation by the Town's Tree Expert.*
3. *Any plant substitutions or placements changes should be approved by a tree expert appointed by the town. (Note # 5)*
4. *Cultivar names should be given.*
5. *No Acer saccharum, Picea Pungens, or Viburnum Dentatum should be planted.*
6. *Tree species that are being removed should be replaced*
7. *More diversity of species should also be planted.*
8. *There should be a 5-year guarantee on the plantings – with a required inspection schedule to be performed by the Town's Tree Expert.*
9. *A Performance Maintenance Bond of an amount to cover the expense of the 5-year inspections and potential plant replacement should be required.*

Invasive Plant Removal Plan:

1. *An Invasive Plant removal plan should be required*

After some discussion, Ms. Monastra advised that the Board can refer the project to the EAC or wait for the applicant to submit more details on the wetlands or tree removal based on tonight's discussion. The EAC will review it for Wetlands, Tree Removal and Steep Slopes. The Board agreed to wait for the next submission, that would have more detail on these items before referral.

At this time, a motion was made by Mr. Enriquez, seconded by Mr. Bossinas and unanimously passed by the Planning Board to accept lead agency designation under SEQRA for the Smith-Couti Subdivision and Site Plan, 94 Somerstown Road.

Ms. Monastra will provide an updated report for items discussed this evening. Copies of Ms. Sharrett's memo will be submitted to the applicant and the Board. Mr. Pilch thanked the Board and will re-submit accordingly.

Minutes

A motion was made Mr. Bossinas, seconded by Ms. Sharrett and unanimously passed by the Board to adopt Planning Board meeting minutes of October 16, 2024.

A motion was made Mr. Enriquez, seconded by Mr. Bossinas and unanimously passed by the Board to adopt Planning Board meeting minutes of January 15, 2025.

Executive Session

A motion was made by Mr. Enriquez, seconded by Mr. Bossinas and unanimously passed by the Planning Board to go into executive session.

Adjournment

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

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: April 16, 2025