

April 16, 2025

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on April 16, 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/82120642488>

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

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
Craig Stevens, Town Tree Warden

Jennifer and Pascal Smith-Couti Subdivision and Site Plan, 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 are on file. Applicants, Jennifer and Pascal Smith-Couti were not in attendance. Alan Pilch, Engineer, was in attendance.

Mr. Pilch discussed recent updates with the Board. Fire department comments were addressed by providing a 20 foot wide driveway and larger turn-a-round space in two locations. Catch basins were modified to meet these changes to the driveway. Tree plan changes identify the species by genus and condition as well, outlining whether it was good, fair, poor, hazardous, or dead. There are two sheets which list all the trees by genus and species and status. Also, whether they're going to be removed because of their condition, whether they are removed because their dead or maybe their good, but still need to be removed. This new study modified overall number of trees that were going to be impacted. Previously, there were about 150 trees identified. After more review, they identified the trees that were either dead, identified as dead, poor or invasive by Michael Nowak, Certified Arborist. The trees that are left are either in fair condition or good condition. There's a total of 78 trees that are going to be removed. The aggregate diameter of the trees to be removed that are in good or fair condition is 1,021 caliper inches, and that number before was around 1,900. Obviously, modifying that number based on trees that were their dead, invasive, poor or hazardous. The applicant has also modified the planting plan, after revisiting the site, they will provide some additional plant diversity which doesn't exist at present in the wetland area.

Mr. Pilch also looked at grades that are present and based on his analysis and from looking at Westchester County GIS, it looks like a very minimal amount of water from this property going into neighbor's property. The location of the driveway to access the 3 lots on this property will have an extremely minimal impact. The runoff does go to the northwest, towards the street or to the north, and then through the property.

Ms. Monastra reviewed some outstanding comment items with the Board. Next month, the Board will receive the draft of the Environmental Assessment Form (EAF) Part 2. The applicant provided part one, and there's still some additional information needed regarding wetlands and any responses from the Department of Environmental Conservation (DEC) and NYS Department of Transportation (DOT).

Another item is that this application requires subdivision approval. The applicant needs to provide a subdivision plat. This application will also require the Town's Environmental Advisory Committee's (EAC) recommendation and review and can be referred to the EAC tonight to start getting initial comments associated with the Wetlands and steep slopes permit. The applicant has provided additional information based on outstanding items noted in the past couple memos. The tree permit is the same, Craig Stevens, Town Tree Consultant is in attendance tonight and reviewing this application, tree report and plans. Mr. Stevens has also visited the site in person.

Mr. Pilch said he made application to the DEC January 12, 2025 and 90 days has now passed. Also, in response to the Fire Department's comment with regard to installing a hydrant, or some type of fire protection, there's one possibility of trying to see whether or not they could extend a water main from the Town of New Castle across Somerstown Road, completely within town of Newcastle, in order to place a hydrant on the east side of Somerstown Road. In the event of a fire, it could they wouldn't have to lay hoses across Route 133. They could do it from the same side. Other possibilities include a water storage tank at each of the lots and/or the idea of extending water main up Somerstown Road. This option may be too costly.

Mr. Stevens addressed the board. He walked through the property and is familiar with this forest because the Town was involved with a permit process across the road from that. Also, Mr. Stevens said he has also reviewed some of Mike Nowak's permit applications in different municipalities and knows he's pretty thorough and trusts his judgment on evaluating the trees and tree work. He also noted this work looks like it could be kind of a logging project. After seeing some of the beautiful trees and having the idea of repurposing some of the wood, whoever's involved with getting a tree contractor in there, should have them guarantee that they're going to make the most of the saw logs and to have those trees made into lumber. The red oak, sugar maples, black locusts, make great fence posts. There are tree contractors out there that are involved with saw mills that would do that. They will probably chip up the rest of it.

Mr. Stevens also noted that a couple of things that came to mind was after the clear cutting gets done. Clear cutting for the for the house lots, the trees that are exposed to the south, the canopies on the existing trees are very high. There's very low and there's minimal underbrush there. The deer have eaten it all up. The canopies are quite high. When you clear the lot for the house, those trees that are on the southern exposure, those trunks are exposed to the sunlight for the first time in their lives. Those trees will get subjected to sunscald and will probably show a lot of decline 4 or 5 years from now. They'll get a sunburn. The homeowner now has this house and they look out and see all these trees, five years from now, starting to die. They're going to want to take action and get rid of these trees that are dying. Their sunburned, the barks peeling off, and all that and not only does the sun on the bark cause a problem, but the increase in soil temperature. The temperature now has been moderated because of the canopy in the forest has been removed and that sun comes in and hits that ground. We get 100-degree days and that soil temperature is going to jump up. The roots are not very deep there, because it's in a forest, its beautiful, moist soils, that's all going to affect the trees that are exposed to this new sunlight.

Additionally, Mr. Stevens recommends taking steps to protect that vernal pond along the edge of the road on Somerstown road with silt fence. There are salamanders, spring peepers, and other amphibians. There are one or two American Beach in there, a protected species in New York State, but with leaf beach disease going through, these might die. That's something to think about. There's a lot of Norway maples and black locusts in there and just to make a note, even though they're invasive species, they still make oxygen and they take up carbon dioxide and they make the environment cool. They're not as bad as everybody thinks they are. Mr. Stevens will arrange to meet with Michael Nowak and re-visit the site.

Ms. Sharrett noted that she's concerned in the ability to plant in an area that already has trees, areas where you're not going to be destroying roots and its ability to grow under the canopy. Also, on the short environmental assessment form number 14 needs to have wetland checked. Ms. Sharrett thanked the applicant for all other corrections made but with regard to the landscape and maintenance plan, where it was talking about deer in regard to browse, a lot of trees die from deer rubbing. The plan needs to include deer protection. That would be part of the landscape maintenance. That's why there's no understory. There's a major herd of deer in that area.

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Ms. Sharrett also expressed concern regarding portion of the wetland is impacted by the neighboring property to the south that includes the placement of woody debris and brush in the wetland and wetland buffer, and that impedes the natural flow of water from the neighbor. It was strongly recommended that the applicant file a complaint with the Building Department on this.

The neighboring property, 90 Somerstown is currently before the zoning board for animals which requires a special permit. There should be some follow up to make sure that there are no additional approvals that may be needed because there are structures being proposed and whether or not that application should be coming before the Planning Board. Ms. Addona clarified it hasn't been determined yet. Right now, it is only before the zoning Board for a special permit for animals. At this time, it is the only approval that has been determined to be needed.

After some discussion, Ms. Sharrett stated 94 Somerstown has really great planting species on the planting plan. She recommends, in this case, offering a window of time to plant specific trees, so the developer doesn't feel pressure to buy and plant trees all at once where some species may not be available. If something is not available in the fall and it's available in the spring, they could plant it then. If possible, the Board could put something to that effect in the maintenance agreement, something to stagger the timing on the standard 5-year agreement. Also, as liaison to the EAC, Ms. Sharrett asked the applicant to provide information on filling and grading and possibly schedule an EAC site walk.

Ms. Stevens said she would like to schedule a site walk for Planning Board Members so they all can attend and have it publicly noticed. The Board agreed on Thursday, May 8, 2025 at 5:30 pm for the Site Walk and a Public Hearing for the application can be set for May 21, 2025.

A motion was made by Mr. Bossinas, seconded by Mr. Boyd and unanimously passed by the Board to set a Site Walk Meeting on May 8, 2025 and set a Public Hearing May 21, 2025 for the Jennifer and Pascal Smith-Couti Subdivision & Site Plan, Steep Slopes, Tree Removal and Wetland Permit, 94 Somerstown Road.

A motion was made by Mr. Enriquez, seconded by Mr. Boyd and unanimously passed by the Board to refer the Application of Jennifer and Pascal Smith-Couti Subdivision & Site Plan, Steep Slopes, Tree Removal and Wetland Permit, 94 Somerstown Road to the Town's Environmental Advisory Committee for review and comment.

Mr. Pilch thanked the Board.

Other Business

New Restaurant 549 North State Road

Ms. Sharrett expressed concern with the new restaurant, it appears to be more of a bar and lounge than a restaurant diner. The project is still under construction, no Certificate of Occupancy has been issued. Original approved hours of operation would have to be adhered to. The Building Inspector has been making all required inspections and permits are still open. The Board will be notified prior to issuance of C.O.

Armstrong Plumbing & Heating

There's been no activity date. Violation issued last year. Schedule with Building Inspector.

Parth Knolls

Check on affordable apartments.

River Knoll

Waiting for submission, possibly June 2025.

Anne M. Dorner Middle School

The School District has changed their position on tree removal. They've decreased the number of trees from what was originally proposed. Saving 8 acres out of 15 originally shown. No plans have been formally submitted. Ms. Stevens offered Planning Board resources for the plan when, and if, the project is approved through bond vote.

Minutes

A motion was made Mr. Enriquez, seconded by Mr. Boyd and unanimously passed by the Board to adopt Planning Board meeting minutes of February 2, 2025.

Adjournment

A motion was made by Mr. Bossinas, seconded by Mr. Boyd and unanimously passed by the Board to adjourn the Planning Board meeting to May 21, 2025.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: May 21, 2025