

October 15, 2025

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on October 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/84335154118>

There were present the following members of the Planning Board:

Carolyn Stevens, Chair
Jim Bossinas, Member
Donna Sharrett, Member
Bill Boyd, Member
David O'Neil, 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

MEM FLIPP Corp, 63 Old Albany Post Road, Architectural Review for Re-construction of existing home and addition of 2nd floor PUBLIC HEARING Continued

MEM Flipp Corp. ("Applicant") is seeking Architectural Review Board (ARB) approval to construct a second-floor addition to a single-family home("Project"). The Project will be located at 63 Old Albany Post Road, Section, Block, and Lot 80.14-1-14 ("Project Site"). The Project Site is within a R-7.5 One-family residence district. Plans and application materials, prepared, stamped and signed by John B. Alleyne of Becall Engineering Services, dated June 26, 2025 are on file. Revised plans dated September 9, 2025 are on file. Mr. Geovanny Hernandez, MEM Flipp Corp., and Architect, Mr. Carlos Sosa Streber, AIA were in attendance. Ms. Monastra submitted a draft Resolution of Approval for the Board's review. The applicant received copies of draft resolution in advance of the meeting.

Mr. Streber gave a brief overview of the revised plan to the Public and the Board. He noted at the last meeting, some landscape changes were recommended. The revised planting plan shows Colorado Blue Spruce, Button Bush, Aucuba, Bellota, Adams Needle and Button Bush. Ms. Stevens opened the continuation of Public Hearing and asked if there were any comments or concerns by the Public or the Board. Ms. Sharrett recommended changing the Colorado Blue Spruce for a White Spruce, or something that will be more successful in our area. The Button Bush is a good plant but grows better in water. It's a wetland plant. Ms. Sharrett said the applicant should try to use plants native to the area and they can look at the Town's plant list or other projects that have a good selection of plants such as the St. Augustine Battery Storage Facility on North Highland Avenue. Ms. Sharrett also mentioned that the area of Old Albany Post Road is a historical part of Ossining. The proposed house seems to appear more ornate than the surrounding homes in the neighborhood. Some suggestions are to remove roman columns at the front door and remove ornate details on the windows and doors. This particular style does not blend in with the rest of the street. Ms. Stevens agreed that the front door elements could be revised slightly for a more modern look and by changing the columns in front and replacing the rounded window on the second floor with square. Color choices are good. Ms. Stevens asked if anyone from the public or zoom to comment on this.

Dr. Gareth Hougham, of 53 Old Albany Post Road agreed with comments regarding the front door and columns. Dr. Hougham asked the applicant about the vertical siding at the center of the front, which in his opinion looks out of character with the rest of the neighborhood. Dr. Hougham suggested simulated shingles and the use of natural stone around the building rather than fake stone, if possible. He also asked if this property would be considered for subdivision in the future. Ms. Addona said the Board cannot comment on that, the Applicant is only here for Architectural Review at this time.

Mr. Streber asked if the Board could provide notes on these items. The Board agreed, the Building Department can forward all ARB comments from the transcript of this meeting.

A motion was made by Mr. Boyd, seconded by Mr. O'Neil and unanimously passed by the Board to adjourn **MEM FLIPP Corp, 63 Old Albany Post Road, Architectural Review for Re-construction of existing home and addition of 2nd floor PUBLIC HEARING to November 17, 2025.**

October 15, 2025

St. Augustine Cemetery, 75 Hawkes Avenue, Cemetery Chapel Building, Site Plan Review PUBLIC HEARING new

Father Brian McSweeney (Applicant) is seeking Architectural Review and Site Plan Approval to construct a 950 SF new office and limited-use chapel as an accessory structure to an existing cemetery. The project is located at 75 Hawkes Avenue, Section Block and Lot 89.08-1-9. The project site is within the R-20 One-Family Resident Zoning District. Father Brian McSweeney, St. Augustine, Jaclyn Tyler, Nexus Creative, and Alan Pilch, ALP Engineering were in attendance.

Ms. Monastra submitted and reviewed with the Board, a memo dated October 10, 2025, General and Procedural Comments, ARB and Site Plan. The applicant received a copy in advance of the meeting.

A Public Hearing comment letter received from Russel Watsky, 21 Hawkes Avenue, dated October 9, 2025 was on file. Mr. Watsky's comments were reviewed by the Board, provided to the applicant as follows:

*October 9, 2025
Russel Watsky
21 Hawkes Avenue
Ossining, NY 10562*

*To: The Planning Board of the Town of Ossining Attn: Carolyn Stevens, Chairperson
Re: St. Augustine's Chapel*

Dear Ms. Stevens:

I received the "Notice of Public Hearing" dated 10/5/25 regarding the proposed construction of a chapel at St. Augustine's Cemetery. The property where I built my home and have lived for 42 years shares a property line with the cemetery, so I am directly affected by what happens at the cemetery. I have reviewed the materials related to the public hearing and offer the following comments/questions:

Short Environmental Form:

Item #11: "Will the proposed action connect to existing wastewater utilities?" The response was "yes". However, the site plan shows construction of a septic field. Please clarify if the wastewater will be piped to the municipal sewer line, or if a septic field will be built.

Item #13: "Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?" The response was "no". In actuality, the cemetery is adjacent to the Kill Brook which includes wetlands.

Item #20: "Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?" This response fails to recognize the fact that the south half of the cemetery site operated as a landfill for two years (about 25 years ago). Thousands of truckloads of construction demolition debris were dumped here. The original grade sloped gently to the adjoining brook. The quantity of material was so great that the cemetery had to construct a retaining wall along Hawkes Avenue. While the CD materials were supposed to be "clean", in reality no one knows what was dumped here. To address this concern, the cemetery installed a series of monitoring wells, which were to be sampled and tested periodically to check for possible contaminants. Are there any records showing the results of this testing? I have attached photos of the Kill Brook directly downstream from the cemetery; these show an orange color of the water. Is there a natural explanation for this color, or is it an indication of something discharging from the landfill? Perhaps the test results answer that question.

Drawings PZ-1 and S-101:

The aerial view included in PZ-1 shows the detention basin where all the storm water from the site is collected before it is discharged into Kill Brook. This detention basin is not shown on S-101, which indicates the location of the proposed septic fields. If septic fields are to be built (see Item #11 above) I think it is important to show how they relate to the detention basin and the stream.

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St. Augustine Cemetery Chapel Continued

Russel Watsky's letter continued:

On drawing PZ-1, the north arrow does not point north. This makes it very confusing to understand this series of drawings (building elevations, etc.).

The landfill operation raised the grades substantially. This was followed by the addition of 6-feet of topsoil to accommodate gravesites. Construction of a building typically begins by pouring footings which are placed on undisturbed earth. What were the results of the geotechnical investigation, and how will the proposed new structural be properly supported when it is constructed on landfill that continues to decay and settle?

Thanks for your consideration of my comments. I plan to attend the public hearing on 10/15/25 to learn more about this project.

Sincerely,

Russel Watsky

Attachments:

- *Photo 3540: outlet from detention basin*
- *Photo 3541: discolored water downstream of detention basin*

End of Letter

A Response letter dated October 14, 2025 by Jaclyn Tyler, Nexus Creative, was submitted to the Board and sent to Mr. Watsky on October 14, 2025. Ms. Tyler briefly discussed some of Mr. Watsky's comments in her response memo as follows:

Re: Response to Letter of Concern from Mr. Russel Watsky - St. Augustine's Chapel Property: St. Augustine's Cemetery, Hawkes Avenue, Ossining, NY

Dear Chairperson Stevens and Members of the Planning Board,

On behalf of the applicant, we acknowledge receipt of the correspondence dated October 9, 2025, from Mr. Russel Watsky regarding the proposed chapel at St. Augustine's Cemetery. We appreciate the opportunity to provide the following responses and clarifications to the items noted.

Preliminary Note

The Short Environmental Assessment Form (EAF) was initially completed concurrent with assembling the full consultant team. Specifically, the civil engineer has further developed and refined several elements of the project. The following items provide clarification based on the current design status.

Item #11 - Wastewater / Septic System

A septic system is now proposed for the project. The system has been designed by the project's civil engineer and has been formally submitted to the Westchester County Department of Health for review and approval. The civil engineer (Alan Pilch) will continue to coordinate with the Health Department to ensure that the system complies with all applicable regulations and that it will operate safely without any adverse impact on adjacent properties or natural resources.

Item #13 - Wetlands and Waterbodies

As part of the team's environmental review, the New York State Department of Environmental Conservation (NYSDEC) mapping was consulted, and no state-regulated wetlands were identified on or adjacent to the subject property.

The nearby Kill Brook is classified as a 'Riverine feature'. According to the Town of Ossining Wetlands Code (§183-17), the applicable buffer distances are:

For all water bodies and non-watercourse wetlands - 100 feet from the edge of the feature.

For all watercourses - 50 feet from the edge of the watercourse.

Based on this classification, Kill Brook would fall under the watercourse category, requiring a 50-foot buffer. The proposed project design exceeds this buffer distance, ensuring no disturbance occurs within the regulated area.

With regard to the proposed septic system for the Chapel, the Westchester County Department of Health requires a 100-foot separation between absorption trenches and a watercourse. The proposed absorption trenches are about 280 feet from Kill Brook, well over the minimum required separation distance.

St. Augustine Cemetery Chapel Continued

Nexus Creative memo continued:

Item #20 - Prior Landfill Activity/ Soil Stability

The applicant continues to evaluate the historical information referenced regarding the property's prior fill characteristics and scope. Regardless of past site conditions, the structural integrity and soil stability of the site will be verified as part of the Building Permit process.

Soil testing will be completed once coordination with the Westchester County Department of Health is underway. As part of that testing, deep-hole and percolation tests will be performed, which will also confirm the nature and composition of the subsurface materials and fill that were placed on the site. Our team was aware of the prior filling, as this topic was raised during the pre-application meeting with the Town. The material placed during earlier grading work was completed under the appropriate application protocols in effect at that time.

In anticipation of potential variability in the subsurface conditions, conceptual budgeting has already been developed to account for a worst-case scenario, including the possible need to import engineered soils or undertake supplemental stabilization measures if required by future testing and engineering analysis. Further, given the small nature of the structure and building typology, means and methods of assuring proper load bearing requirements are relatively benign in this instance. These considerations have been incorporated into the project planning to ensure that the design and construction can proceed responsibly and in compliance with all applicable standards.

Regarding the color of the water observed in photographs of the Kill Brook, it should be noted that the orange or rust coloration could be due to a number of natural causes, including the presence of iron or other minerals, and is not necessarily related to any prior fill activity or construction work on the cemetery site. The proposed chapel construction is in a separate and isolated context which in no manner influences what may or may not be occurring in Kill Brook at any point by various potential circumstances along the watercourse.

Drawing PZ-1 Site Features and Detention Basin

While confirmation of a detention basin on PZ-1 has not been confirmed, the civil engineer has reviewed the information and a revised version of Drawing 5-101 will indicate the location of an existing detention basin in the southern portion of the property. The detention basin is situated a significant distance - about 700 feet - from the proposed leaching field and is not located within the path of the septic system's [path of drainage, which flows generally in a west-northwest direction.

PZ-1 - North Arrow Clarification

The north arrow on Drawing PZ-1 was rotated approximately [90] degrees to correctly align the plan with true north. This adjustment has no impact on the elevations or labeling as north is not directly perpendicular to any of the elevations of the building. All elevation references remain correctly identified relative to the updated orientation. Those familiar with the plans will readily recognize the front and rear of the chapel based on the site layout, and the side elevations remain mirrored versions of one another. The revision simply corrects the directional indicator for consistency and coordination across the full drawing set.

The applicant remains sincerely interested in listening to and processing stakeholders' concerns and observations. Related to Mr. Watsky's interest and subsequent letter, Town files reveal a legacy interest by Mr. Watsky towards fill activities beginning in late summer 1985. The record appears clear that while various municipal, applicant and stakeholder actions continued through 1988, the fill scenario on portions of this site were resolved by the summer of 1988. Reintroducing legacy observations 37 years later feels irrelevant to specific planning review items as it relates to the chapel application as clarified throughout the response.

We trust the above clarifications address the concerns raised and provide additional context for the Board's review. Should the Planning Board or any of its consultants wish to discuss these items in greater detail, we would be happy to provide further documentation or walk through them together at this week's meeting.

Respectfully submitted,

Jaclyn Tyler, AIA, LEED AP BD+C, NCARB, Principal

End of Letter

St. Augustine Cemetery Chapel Continued

Ms. Tyler noted that Mr. Pilch will connect with the Westchester Board of Health for soil testing. Ms. Tyler turned it over to Mr. Pilch to speak about septic integration. Mr. Pilch reviewed what's being done with the waste water treatment and septic tank area. The septic is sized in accordance with number of seats that are going to be in the building with some leeway for slight overflow. Mr. Pilch said there's 100% expansion area and they will do deep hole tests which are witnessed by Westchester County Department of Health and two percolation tests. The soils will be readily apparent, if there's soil that will be obvious and if there's landfill material, that too will be obvious. This will show immediately what is in that location. Mr. Pilch further discussed his plan showing the septic location and piping to it, stormwater system, driveway, and parking. A stormwater report will be submitted.

Ms. Sharrett asked the applicant to update their EAF report which should recognize that there is an existing waterbody nearby. The answer should be changed to "yes". The applicant agreed. Ms. Tyler discussed Architectural Review items. Mr. O'Neil raised the question, how are the stained-glass windows are to be fabricated. Ms. Tyler said the plan is to reuse existing windows and working with the energy requirements on the interior piece, or exterior, making sure they meet with required energy code. The windows come from a warehouse that has all of the different components, including the pews which they are reusing as well. Ms. Sharrett asked about the one entry door and only one bathroom. Ms. Tyler said the door is a double door and the maximum occupancy is under 50 which is the threshold for this. They don't anticipate ever having that many. Also, there is only one bathroom proposed, they have submitted to the state for a variance on that. It is anticipated to have less than five individuals in this space on a daily basis. The main purpose is the office. It does require two, male and female, but it was submitted to the state. They will know more by the end of the month. The bathroom will be handicapped accessible. The septic is designed with Board of Health requirements which is 3 gallons per day per seat. Mr. Pilch said the tank is huge for what they are doing there.

At this time, Ms. Stevens opened the Public Hearing. Mr. Hank Kelly, Mancuso Drive, expressed concerns that in the 1980's this was a construction demolition disposal site. Mr. Kelly asked if there's any way to avoid the septic system and tie directly into the Town Sewer. There is a sewer on Roosa Lane. There is concern with the waterway issue and he would rather this project tie into the sewer because of a serious incident going back to the 80s with a fill and grade permit. He urged the applicant to look into that because the type of fill that was used back then, and to check the retention pond for runoff. Mr. Kelly asked if there's going to be any type of bells, music or anything else going on or activity at night and specific hours of operation. He also thanked everyone for notification of the hearing to the surrounding residents.

In response to Mr. Kelly, Ms. Tyler said it will be a limited use building. Office hours will be from 9:00 am to 2:00 pm. The Chapel will be limited to cemetery hours, until dawn. There's no exterior lighting, because it won't be open in the evening. There's no anticipated traffic, other than funerals that currently occur today. Its about 38 to 40 occupants. As far as the bell, there's no set time for ringing the bell. It wouldn't be at night, the developer wanted it to have bell tower. The bell can be a condition of "under certain hours".

Mr. Watsky asked if the applicant indicated in their statements this evening, that monitoring of test wells was done. He was under the impression that there was going to be ongoing sampling to determine whether there's any leaching of objectionable materials coming out of the landfill. He is not aware that that has ever been done. In his letter, he expressed some concern about the color of the water downstream from the cemetery. Ms. Tyler pointed out that there might be natural explanations for that, but there also might not be natural explanations for it and the monitoring wells would give some comfort in knowing that that's all okay. Mr. Kelly also brought up the fact that there is a retention basin or a detention basin. In the letter Mr. Watsky sent, he included a photo of that detention basin. He said, It's a little hard to make out because it's so totally overgrown. For some reason, they constructed a chain-link fence around it and it's unknown who they're trying to keep out, or in. It's all fenced in and there is an outlet, no one knows if the outlet is functioning, or if the detention basin is functioning, or if it's all silted in. The question is, is there some maintenance that's supposed to be done with detention basins. The way it is now, you can't even get to it. You'd have to go in there with a machete and bushwhacking away in, just to get to it. There is zero maintenance going on with the detention basin, and I think that's something of a concern and needs to be done. What was typically required in terms of maintenance and detention basis.

Additionally, Mr. Watsky was asked to convey one comment from a neighbor who couldn't be here tonight. The neighbor is suggesting that there are two entrances to the cemetery, and one should be an entrance, and one should be an exit, because the sight lines coming out on to Hawkes one would be better if that were an entrance only. Mr. Watsky thanked the Board and the Applicant.

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St. Augustine Cemetery Chapel Continued

A letter of Support and Approval Recommendation dated October 15, 2025, delivered in person by Ed Muller, 33 Hawkes Avenue:

LETTER OF SUPPORT AND APPROVAL RECOMMENDATION

Date: October 15, 2025

*Members of the Planning/Architectural Review Board Town of Ossining
101 Route 9A- P.O. Box 1166
Ossining, New York 10562*

Dear Chairperson Stevens and Members of the Planning/Architectural Review Board:

I am an adjacent neighborhood property owner of the St. Augustine Cemetery at 75 Hawkes Avenue, Ossining, New York, which is classified in the R-20 Zoning District. I have lived at 33 Hawkes Avenue for the past 25 years. I have witnessed the expansion of the cemetery to accommodate the future deceased and there were no disruptions at all.

This letter will serve to confirm that I have had a chance to review the application of St. Augustine, the property owner, to the Planning/Architectural Review Board of the Town of Ossining, requesting approval for the Applicant's proposed accessory Chapel on the Premises.

I have reviewed the application materials and have walked the property countless times and I am very familiar with the property. This shall confirm that I have no objection to the approval of the application as described above. Further, due to the de minimis nature of the request, I feel it will have no adverse impact on the neighborhood.

Indeed, I feel the existing improvements are an enhancement to the community and will only become an advantage for those who frequently visit their deceased loved ones.

This proposal is in keeping with the character of the neighborhood. I therefore recommend the Planning/Architectural Review Board approve the application described above.

*Very truly yours,
Ed Muller, 33 Hawkes Avenue*

Mr. Muller responded to Mr. Watsky's comments with regard to the retention pond. He said he's lived there for 20 years and when he is cutting his grass, he can see it and believes it is operating properly. It's not overflowing. Mr. Muller said he rescued a duck from a snapping turtle in that pond and the duck flew off. Mr. Muller also noted that the chapel will be a great asset to the community, not only for the deceased, but for the living. It would be a perfect and beautiful place to go share your hearts with loved ones and a very nice spot to pray. Mr. Muller thanked the Board and the Applicant for an opportunity to speak.

Dr. Hougham said he thinks this project is a lovely design and agrees it would be an asset to the neighborhood. His concerns are mostly with the septic and the quality and porosity of the soil due to the old fill. As the President of the Hudson Valley's Stream Conservancy, they've found the Sing Sing Kill is badly polluted with sewage due to failing septic systems and some of the failing Village of Ossining sewer mains. Dr. Hougham urged that the applicant be especially careful with new septic systems that are adjacent to the stream. Dr. Hougham thanked everyone.

At this time, Ms. Stevens asked if there were any additional comments from the Public or the Board. Ms. Sharrett suggested that the issue of the detention basin and runoff be reviewed by the Building Department. Mr. Ciarcia will also take a look at this and review conditions of the original site plan from the Fill and Grade Project. Mr. Pilch said they can meet in a couple of weeks when the Health Department comes to the site to witness deep hole testing and also at that point if there is any contaminated material there, they will know immediately. Mr. Pilch will contact the Building Department to set up an inspection with Mr. Ciarcia and Mr. Turnquist, when the County Health Department appointment is in place.

St. Augustine Cemetery Chapel Continued

There were no further comments or questions from the Public or the Board.

A motion was made by Mr. Bossinas, seconded by Mr. O’Neil and unanimously passed to adjourn the public hearing for St. Augustine Cemetery Chapel Building, 75 Hawkes Avenue Site Plan Review to November 19, 2025.

Minutes

A motion was made Mr. Bossinas, seconded by Mr. Boyd and unanimously approved by the Board to adopt Planning Board meeting minutes of September 17, 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 November 17, 2025.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: November 19, 2025