

TOWN OF OSSINING PLANNING BOARD
Resolution of Subdivision and Site Plan Approvals
Adopted August 20, 2025

Application of Jennifer and Pascal Smith Couti
Property: 94 Somerstown Road (Section 90.11, Block 1, and Lot 1 and R-20 Zone)

Background

WHEREAS, the Town of Ossining Planning Board received an application from Jennifer and Pascal Smith Couti ("Applicant") for Minor Subdivision Plat, and Steep Slopes, Tree Removal, and Wetland permits for a three-lot subdivision. The subject property is located at 94 Somerstown Road, Section, Block, and Lot 90.11-1-1 on the Tax Assessment Map of the Town of Ossining ("Project Site"). The Project Site is located in the R-20 Zoning District; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and the implementing regulations in 6 NYCRR Part 617, the Planning Board considered all of the impacts of the action and determined that the proposed action was an Unlisted Action and issued a Negative Declaration on August 20, 2025; and

WHEREAS, pursuant to Sections 239-L, M, and N of the New York State General Municipal Law, the Planning Board referred the application materials to the Westchester County Department of Planning for their review and comments , and all comments were incorporated into the proposed minor subdivision plat; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on February 19, 2025, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing remained open until August 20, 2025; and

WHEREAS, The Planning Board has carefully examined and considered the materials submitted by the Applicant in support of the Project as follows:

1. Planning Board Application dated September 26, 2024
2. Narrative dated December 26, 2024
3. Short Environmental Assessment Form dated March 28, 2025
4. Wetland Delineation Letter dated December 16, 2023
5. Building Department letter dated February 4, 2025
6. Tree Inventory by Michael Nowak dated March 3, 2025
7. Landscape Maintenance Plan dated March 31, 2025
8. Letter from Pfizer-Jahnig consulting dated March 27, 2025
9. Letter to the Planning Board by ALP Engineering and Landscaping Architecture LLC dated March 31, 2025
10. Site Plans by ALP Engineering and Landscaping Architecture LLC. last revised August 3, 2025, 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 Tree Preservation/Removals Plan
 - e. C-105.1-C-105.2 Tree Preservation/ Removals List
 - f. C-106 Landscape/ Tree Planting Plan
 - g. C-107 Steep Slopes Plan
 - h. C-111 Driveway Profile
 - i. C-112 Construction Details
 - j. C-113 Construction Details
 - k. DOT-1 Sight Distance Plan
 - l. MPT-1 Maintenance and Protection of Traffic Plan
 - m. IPP-3 Subsurface Sewage Treatment System Plan
 - n. IPP-4 Subsurface Sewage Treatment System Profiles
11. Subdivision Plat by Rowan Land Surveying, PLLC. Last revised December 28, 2024.
 12. Topographic Survey by Rowan Land Surveying, PLLC. Last revised October 15, 2024.
 13. Engineer's Report for 94 Somerstown Road Subdivision Town of Ossining SBL: 90.11-1-1 by Alan L. Pilch, PE, RLA, ALP Engineering & Landscaping Architecture, PLLC dated June 14, 2025.
 14. Request for a Wetland Determination or Delineation by Alan L. Pilch, PE, RLA, ALP Engineering & Landscaping Architecture, PLLC dated June 13, 2025.
 15. Joint Application Form for Permit by Alan L. Pilch dated May 1, 2025
 16. Letter to Ann Darelius for Highway Work Permit Application (Form PERM 33) by Alan L. Pilch, PE, RLA dated June 5, 2025
 17. Letter to Heather McVeigh P.E. for Smith-Couti Property Subdivision by Alan L. Pilch, PE, RLA dated June 30, 2025
 18. Letter to Planning and Architectural Review Board Town of Ossining for Application for Subdivision, Site Plan, Wetlands Permit, Steep Slope Permit by Alan L. Pilch, PE, RLA dated June 30, 2025
 19. Letter to Kelly Turturro Regional Permit Administrator for Joint Application Permit by Alan L. Pilch, PE, RLA dated May 12, 2025
 20. Maintenance Plan for Stormwater Facilities for 94 Somerstown Road Subdivision, prepared by ALP Engineering & Landscape Architecture, PLLC updated June 30, 2025.
 21. Letter of Positive Jurisdiction- Freshwater Wetlands prepared by Freshwater Wetlands Jurisdiction dated April 17, 2025
 22. Form PERM 33 (September 2023) Highway Work Permit Application for Non-Utility Work prepared by Jennifer and Pascal Smith Couti dated May 23, 2025
 23. Application and Information Relating to Realty Subdivisions prepared by Alan L. Pilch, PE, RLA no date given
 24. Stormwater Pollution Prevention Plan/ Stormwater Management Report for 94 Somerstown Road Subdivision prepared by Alan L. Pilch, PE, RLA revised August 3, 2025
 25. Emails between Alan Pilch and Brian Keating about wetlands on the property of 94 Somerstown Road dated June 13, 2025- June 18, 2025

WHEREAS, the Planning Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting engineer and planner; and

WHEREAS, in accordance with §105-6(B), the Planning Board referred the Wetland Permit application to the Environmental Advisory Committee for review and a report; and

WHEREAS in accordance with §167-9(C), the Planning Board referred the Steep Slopes Permit application to the Environmental Advisory Committee for review and a report; and

WHEREAS in accordance with §183-10(E), the Planning Board referred the Tree Removal Permit application to the Environmental Advisory Committee for review and a report; and

WHEREAS the Environmental Advisory Committee issued a report for the Steep Slopes, Tree Removal, and Wetland permits on May 21, 2025

WHEREAS, all testimony provided at the public hearing was carefully considered, and the Planning Board deliberated in public on the Applicant's request for approval of the Project; and

Planning Board Determination

WHEREAS, the Planning Board is familiar with the Project Site and the general vicinity and has reviewed the application in accordance with Chapter 176, Subdivision of Land, of the Town Code; and

WHEREAS, the Planning Board reviewed the Tree Removal permit in accordance with §183-11, Determination by approval authority, of Chapter 183 Tree Protection; and

WHEREAS, the Planning Board reviewed the Wetland permit in accordance with §105-8, Standards and findings for permit decisions, of Chapter 105 Freshwater Wetlands, Watercourses and Water Body Protection; and

WHEREAS the Planning Board reviewed the Steep Slopes permit in accordance with §167-6, Review standards, of Chapter 197 Steep Slopes Protection; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby finds that a proper case exists for requiring that a park be suitably located for playground or other recreational purposes within the Town and the Planning Board makes the following findings in accordance with New York Town Law § 274-b:

1. The proposed subdivision from one lot to a total of three lots would benefit from park, playground or other recreational uses located on the Project Site.
2. However, the proposed subdivision does not include recreational uses such as playgrounds, walking trails. The site plan does not propose any ball fields or courts. Consequently, certain recreational needs can only be satisfied off the Project Site and future residents of the Project will likely utilize the Town and Village recreational facilities, including the Town and Village parks, ball fields, walking trails, playgrounds, and large community swimming pool.
3. As there are not park or recreational areas of adequate size on the Project Site to fulfill all the recreational needs created by the proposed site plan, the Applicant is required to pay a sum of money in lieu of park, playground or other recreational use in accordance with the 2025 Town of Ossining Fee Schedule, which is set at \$7,500 per lot; and

BE IT FURTHER RESOLVED, the Planning Board of the Town of Ossining determines that based upon the findings and reasoning set forth below the application for Minor Subdivision Plat approval and Tree, Wetlands, and Steep Slope permits is granted subject to the conditions:

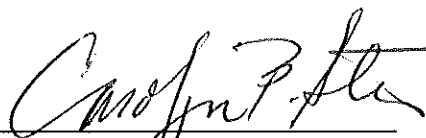
Conditions

1. Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board as follows:
 - a. Site Plans by ALP Engineering and Landscaping Architecture LLC. last revised August 3, 2025, with the following sheets:
 - i. C-101 Layout/Subdivision Plan
 - ii. C-102 Grading and Utilities Plan
 - iii. C-103 Erosion and Sediment Control Plan
 - iv. C-104 Tree Preservation/Removals Plan
 - v. C-105.1-C-105.2 Tree Preservation/ Removals List
 - vi. C-106 Landscape/ Tree Planting Plan
 - vii. C-107 Steep Slopes Plan
 - viii. C-111 Driveway Profile
 - ix. C-112 Construction Details
 - x. C-113 Construction Details
 - xi. DOT-1 Sight Distance Plan
 - xii. MPT-1 Maintenance and Protection of Traffic Plan
 - xiii. IPP-3 Subsurface Sewage Treatment System Plan
 - xiv. IPP-4 Subsurface Sewage Treatment System Profiles
 - b. Subdivision Plat by Rowan Land Surveying, PLLC. Last revised July 16, 2025.
 - c. Topographic Survey by Rowan Land Surveying, PLLC. Last revised October 15, 2024.
 - d. Stormwater Pollution Prevention Plan/ Stormwater Management Report for 94 Somerstown Road Subdivision prepared by Alan L. Pilch, PE, RLA revised August 3, 2025
 - e. Maintenance Plan for Stormwater Facilities for 94 Somerstown Road Subdivision, prepared by ALP Engineering & Landscape Architecture, PLLC updated June 30, 2025.
2. General Conditions. The following conditions must be met before the Planning Board Chair may sign the Final Subdivision Plat:
 - a. In addition to the information required in Section 176-24 of the Subdivision of Land chapter, the Applicant must address to the full satisfaction of the Town Engineer, including addressing all comments in the July 16, 2025 Town Engineer memorandum, all outstanding stormwater, stormwater maintenance agreements and easements, and engineering issues raised in the hearings and documents submitted to the Board.
 - b. A Final Subdivision Plat prepared by a Licensed Land Surveyor shall be submitted to the Planning Board and its consultants for approval with all appropriate notes and elements from the Subdivision Plans.
 - c. The Subdivision Plat shall be endorsed by the Westchester County Department of Health, indicating the Department's approval of the water supply and sewage disposal facilities.
 - d. The Applicant shall submit a statement signed by the Town Receiver of Taxes that indicates that all taxes due on the Subject Property have been paid.

- e. The Applicant will post a performance bond as required in Section 176-8A(2) of the Subdivision of Land chapter.
 - f. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this application.
3. Specific Conditions. The following conditions must be met before the Planning Board Chair may sign the approved Final Site Plan Plat:
- a. All stormwater easements shall be noted on the Final plat plan.
 - b. Driveway easement shall be noted on the Final Plat Plan.
 - c. Pools shall be removed from Final Plat Plan.
 - d. Landscaping notes shall be revised as follows:
 - i. The existing vegetative screening on site shall be maintained and if the existing screening is damaged or dies, the Applicant needs to replace the vegetative screening. All replacement landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first five years of installation. Individual species that do not survive beyond the first, five years shall be replaced in the fall following the inspection with another native species suitable for the site conditions. If fall planting is not possible, then spring planting is permissible.
 - e. Final approvals from NYSDEC and NYSDOT need to be finalized prior to the signing of the plat plan. Any required changes that affect the plat plans, or the wetland, steep slopes, or tree removal permits will require further proceedings before the Planning Board.
4. Force and Effect. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Subdivision Plat is signed by the Chair of the Planning Board and (3) the Final Subdivision Plat, and related agreements/declarations required herein, are filed with the Office of the County Clerk, Division of Land Records and with the Town Clerk.
5. Recreation Fees. In accordance with Section 277.4 of New York State Town Law, the need for recreation fees and the amount of said fees as required by the Town's Zoning Law have been established. Pursuant to Section 200-51(A)(1)(b) of the Zoning Law and Chapter A203, Fees, of the Town Code, the Applicant shall submit to the Town a recreation fee for the three (3) additional homes in the amount required by the Ossining Town Code before the issuance of the Building Permit.
6. Field Changes. Any further modification of the subject premises beyond those approved herein shall be subject to further Board review. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
7. Expiration of Final Subdivision Approval Resolution. In accordance with New York Town Law § 276(7)(c) this resolution granting final subdivision approval shall expire within 180 days after the date of this resolution unless all requirements stated herein have been certified as complete. Notwithstanding the foregoing, the Planning Board may extend for periods of ninety days each (or two ninety day periods) upon request by the Applicant and based upon the particular circumstances.

8. **Filing of Final Subdivision Plat:** In accordance with New York Town Law § 276(11) and Town Code § 176-9 (A)(2), any Final Subdivision Plat not filed or recorded within 62 days of the date upon which such plat is endorsed by the Planning Board Chair shall expire.
9. **Filing of Easements.** A Stormwater Maintenance Agreement and Driveway Easement and Maintenance Agreement shall be prepared by the Applicant in a form acceptable to the Planning Board Attorney and Planning Board engineer and shall be executed, filed, and recorded with the Westchester County Clerk on all three lots immediately following the filing of the plat and a reference to the stormwater maintenance agreement and driveway easement and maintenance agreement shall be noted on the Final Subdivision Plat.
10. A building permit will not be issued for the development of any of the three lots with single-family homes until the site work required to install the necessary infrastructure pursuant to the stormwater maintenance agreement and driveway easement and maintenance agreement has been completed. This provision shall also be included on the recorded subdivision plat.
11. Prior to the issuance of the Building Permit for any site work.
 - a. Final review of the tree removal plan, landscaping plan, and wetland mitigation plan will be conducted by the Town Planner to confirm compliance with Chapter 183, Tree Protection.
 - b. The Applicant shall secure Architectural Approval from the Architectural Review Board for the home on each lot.
 - c. A Landscape Plan must be submitted and approved by the Architectural Review Board.
 - d. Wetland and Landscape Maintenance Plan needs to be submitted and reviewed by the Town Planner prior to any landscaping.
 - e. The Applicant shall pay all outstanding consultant review and legal fees in connection with the review of satisfaction of the conditions required by this approval.
12. Prior to the issuance of the first Certificate of Occupancy:
 - a. The Applicant must provide to the satisfaction of the Building Department that the Final Plat meets the requirements of Section 183-12(G) of the Tree Protection Chapter of the Town Code. The Applicant may propose replacement of trees or payment into the Tree Fund or some combination thereof to meet the requirements.
 - b. Tags remain on trees until issuance of a CO.
 - c. A Performance Maintenance Bond of an amount to cover the expense of the 5-year inspections and potential plant replacement should be required.
13. The Applicant shall provide an annual wetland and planting inspection report required for the first five years after planting is complete.

Dated as of August 20, 2025


Carolyn Stevens, Chairperson
Town of Ossining Planning Board

Motion by: Donna Sharrett
Second by: Bill Boyd
In Favor: All
Opposed: None
Abstaining: Dave O'Neil