



# Friends of the Old Croton Aqueduct, Inc.

Keeper's House, 15 Walnut Street, Dobbs Ferry, NY 10522-2109

[www.aqueduct.org](http://www.aqueduct.org)

October 4, 2018

Zoning Board of Appeals  
Village of Ossining  
101 Route 9A  
Ossining, NY 10562

Dear Members of the Zoning Board of Appeals:

We are writing on behalf of the Friends of the Old Croton Aqueduct, a private, non-profit, all-volunteer organization whose mission is to protect, preserve, and promote the Aqueduct in Westchester and New York City. We work with but are entirely separate from the NYS Office of Parks, Recreation and Historic Preservation, the state agency that administers and maintains Old Croton Aqueduct State Historic Park, which encompasses the Westchester part of the Aqueduct. The Aqueduct is a National Historic Landmark, the highest federal landmark designation.

The Friends are not newcomers to Ossining. For some 15 years we've led popular, free tours for the public, school classes, and others into the Ossining weir at the north end of the Double Arch Bridge. Participants include local residents as well as visitors from the region and beyond. Inside the weir, visitors stand in the conduit where NYC's first clean water supply flowed, and learn how the water was diverted into the Sing Sing Kill to permit maintenance of the Aqueduct. On Village Fair Day we lead continuous tours all day, showing the water tunnel to several hundred people on that day alone. We see the economic benefits to the village: people on the tours as well as hikers passing through often stay to enjoy the Main St. scene and local restaurants. The Aqueduct is an excellent ambassador that brings people to Ossining.

The Aqueduct in downtown Ossining passes immediately behind the 49 Spring St. parcel, whose owner has applied for a variance from the Village's admirable zoning code requirement of a 25-foot buffer on either side of the Aqueduct. We applaud the Village for a measure that protects a landmark, a recreational resource, and an attraction for increasing heritage tourism. Irvington and Dobbs Ferry have similar provisions in their codes and we advocate buffers in municipalities that do not yet have such requirements.

At the same time, we appreciate the Village's interest in development of an unbuilt downtown parcel and are not advocating a no-build alternative. What we urge is development consistent with the Village's zoning requirements. Enforcement is the critical partner of regulation; it is what brings regulations to life. This may require substantial reconfiguration of the current design.

Enforcement of the buffer regulation would also be consistent with the Village's Comprehensive Plan. As quoted in State Park's 2016 Management Plan for Old Croton Aqueduct State Historic Park, the Comprehensive Plan's objective is "to establish an integrated open space and trail network connecting parks, preserves, open spaces, institutional properties, schools and other community resources which will provide important aesthetic and environmental functions as well as opportunities for the community to more fully enjoy the resources."

The developer's plan may be based on a misunderstanding of where the Aqueduct lies and the relationship of the walking trail to the water tunnel not far below the ground surface. Examination of the Ossining tax map proves that the applicant's statement in the previous hearing - that the property is nowhere near the Aqueduct - is incorrect. The tax map shows that the Aqueduct property abuts the entire property line of the proposed development. As designed, the proposed structure would not conform to the 25-foot buffer zone, but rather would stand immediately adjacent to the Aqueduct property and tower four stories above it.

As it happens, potentially good news is pending that would strengthen the argument for strict enforcement of the buffer zone at the development site. A longstanding detour from the actual location of the Aqueduct tunnel appears on maps of the Aqueduct walking path. This detour directs walkers onto Spring St. for five blocks between Maple Place and Everett Ave. At the north end of this section, between Maple Place and Waller Ave., fences across the Aqueduct at both ends of the block prevent Aqueduct users from accessing the walking path.

The Ossining Police Chief and the Superintendent of Recreation have now said they have no problem if the fences are removed. This would permit State Parks to open and restore the walking path, eliminating one section of the Spring St. detour. Approval by the Village Manager has been requested. If the fences are removed, foot and bicycle traffic on the Aqueduct path can be expected to increase behind the 49 Spring St. parcel, making it particularly unfortunate if a new building were permitted to intrude on the buffer zone. Additionally, an existing, fenced-off side path between this section of the Aqueduct and the major bus stop near the corner of Waller could be reopened for the convenience of bus riders.

In sum, the Village of Ossining and the Old Croton Aqueduct are connected in a number of ways. The Double Arch Bridge is the Village's logo image, and the excellent Croton Aqueduct exhibit in the Community Center is central to the Village's designation as a New York State Heritage Area. Weir tours are a major attraction, and the historic Aqueduct path draws visitors and residents alike throughout the year. The Village's zoning code strengthens these ties by mandating a protective border along both margins of the Aqueduct corridor. We urge the board to enforce this enlightened regulation by denying the requested variance.

Thank you for considering our comments.

Sincerely yours,

Handwritten signatures of Charlotte Fahn and Sara Kelsey in cursive script.

Charlotte Fahn and Sara Kelsey on behalf of  
Friends of the Old Croton Aqueduct