

**RESOLUTION
TOWN OF OSSINING ARCHITECTURAL REVIEW BOARD
(Adopted July 15, 2020)**

Application of Bruce Fiorito

Property: 39 Old Albany Post Road (Section Block and Lot 80.14-1-28 and NC Zone)

Resolution of Architectural Review Approval

Background

WHEREAS, Bruce Fiorito (the "Applicant" and "Owner") submitted an application for Architectural Review Board approval to construct a two-family house at 39 Old Albany Post Road Section Block and Lot 80.14-1-28 (the "Project"). The Project site is a 11,553 square foot parcel and the Applicant is looking to create a two-family home consisting of two three-bedroom units with 1,335 square feet of livable floor area for each unit.

WHEREAS, the Architectural Review Board confirms that project is categorized as a Type II action under NYS DEC 617.5 (c) with the "construction or expansion of a single-family, a two-family or a three-family residence on an approved lot".

WHEREAS, the Applicant had made a preliminary presentation to the Architectural Review Board on May 6, 2020 and, thereafter, the Architectural Review Board conducted a duly noticed public hearing on June 17, 2020 and continued the public hearing on July 1, 2020 and July 15, 2020.

WHEREAS, The Architectural Review Board has carefully examined the Application and the Applicant's materials as follows:

- a. Architectural Review application dated March 10, 2020;
- b. Architectural Drawings A-1.0 to A-16.0 and S-1.0- S1.1 by Paul B. Jankovitz Architecture/Planners dated November 5, 2019 and revised July 2, 2020;
- c. Materials submitted May 5, 2020
- d. Computer renderings submitted May 19, 2020;
- e. Site Plan dated April 15, 2020 and amended May 5, 2020, May 19, 2020, and May 29, 2020;
- f. Revised architectural plans received June 1, 2020; and
- g. Photos of possible plantings for the foundation emailed on June 16, 2020.

WHEREAS, the Architectural Review Board has also reviewed and examined letters, reports, and memorandum from Town staff and the Board's consulting engineer, Dan Ciarcia PE, and planner Valerie Monastra, AICP including the following:

- a. Letter from Buildings Inspector, John Hamilton dated May 5, 2020.
- b. Memorandum dated April 30, 2020; May 6, 2020, May 19, 2020; June 6, 2020; and June 16, 2020 from town planner; and
- c. Memorandum dated May 6, 2020; and May 20, 2020 from the town engineer.

WHEREAS, the Architectural Review Board closed the public hearing on July 15, 2020. At the Architectural Review Board's July 15, 2020 meeting, the Board deliberated in public on the Applicant's request for approval.

Architectural Review Board Determination

NOW FOR IT BE RESOLVED, the Architectural Review Board determines that based upon the findings and reasoning set forth below, the application for Architectural Review Board approval are granted subject to the conditions set forth below.

I. Findings

The Architectural Review Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 55, Architectural Review Board, of the Town Code.

The Architectural Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 55-8 of the Town Code.

In accordance with Section 55-8(A) the Architectural Review Board finds the Application took into account the natural and man-made features of the site and its surroundings, and the character of the zoning district and its peculiar suitability for particular purposes, with a view to conserving existing values and encouraging the most appropriate use of land.

Further the Architectural Review Board finds that the project meets Section 55-8 (B) and the Project:

- a. would be in harmony with the purposes of this chapter,
- b. would not be visually offensive or inappropriate because of the poor quality of exterior design;
- c. would not constitute monotonous similarity or visual discord in relation to the site or its surroundings;

- d. would not mar the appearance of the area, would not be detrimental to the character of the neighborhood; and
- e. would not prevent an appropriate development and utilization of the site and adjacent lands.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Architectural Review Board and approved by the Architectural Review Board as follows:

- a. Architectural Review application dated March 10, 2020;
- b. Plans by Paul B. Jankovitz Architecture/Planners dated July 2, 2020 and last revised XX are entitled as follows unless otherwise noted:
 - i. A-1 "Title Sheet"
 - ii. A-2 to A-4 "General Notes"
 - iii. A-5 to A-6 "Foundation Plans"
 - iv. A-7 "Foundation Details"
 - v. A-8 "Floor Plans"
 - vi. A-9 "Framing Plans"
 - vii. A-10 "Elevation Plans"
 - viii. S-1 "Site Plans"
 - ix. S-1.1 "Front Garden Planting Plans"
 - x. PD-7 "Proposed Retaining Wall Elevations Section and Details"
- c. Color renderings dated May 29, 2020; and
- d. Materials received June 1, 2020.

III. General Conditions

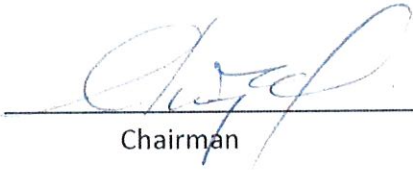
- a. Prerequisites to Signing Site Plan: The following conditions must be met before the Architectural Review Board Chair may sign the approved Site Plan ("Final Site Plan"):
 - i. The Architectural Review Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If

said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."

- iii The Applicant shall pay all outstanding consultant review and legal fees in connection with the Architectural Review Board review of this Application.
 - b. Force and Effect: No portion of any approval by the Architectural Review Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Architectural Review Board and (3) the Final Site Plan signed by the Architectural Review Chair has been filed with the Town Clerk.
 - c. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
 - d. Landscaping: All landscaping on the Approved Plans 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 and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
 - e. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.
 - f. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy
- IV. Specific Conditions: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):

- a. The light that will be located on the garage will be a motion detector that includes a soft white lightbulb with a wattage of 3,000K or less.

Dated as of July 15, 2020



Chairman

Motion by: Jim Bossinas
Seconded by: Donna Sharrett
In Favor: All
Opposed: None
Abstaining: None