

May 6, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on May 6, 2020 at 7:30 p.m. by video conference** pursuant to Governor's Executive Order 202.1 dated March 12, 2020. Members of the public were able to view and join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/83303688837>

Meeting ID: 833 0368 8837

(929) 205-6099

There were present the following members of the Planning Board:

Ching Wah Chin, Chair
Jim Bossinas, Member
Gareth Hougham, Member
Carolyn Stevens, Member
Donna Sharrett, Member

Also Present:

Kathy Zalantis, Attorney, Silverberg, Zalantis LLP
Valerie Monastra, AICP, Nelson, Pope & Voorhis, LLC
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary

Picucci Request for an Amendment to Resolution of Prior Subdivision Approval, 51 Croton Dam Road,

On February 25, 2020 the Planning Board received a letter from, Ralph Mastromonaco, P.E. stating that the applicant is withdrawing his application for subdivision of December 6, 2020.

On March 10, 2020 the applicant submitted a new application seeking approval of change only, an amendment to previous subdivision resolution dated December 12, 2007. A letter dated March 5, 2020, from Mr. George Weeks, previous Planning Board Chairman, was attached. Mr. Weeks noted his reasons for this restriction and at that time this condition was his effort to control flows to the failing pump station. This pump station has since been resolved.

Mr. Ciarcia submitted a memo dated May 6, 2020: A condition incorporated into the Planning Board Resolution approving the Subdivision of 2007 restricted further subdivision of Lot 2. The correspondence recently provided by George Weeks indicates that this restriction was based on poor conditions of the existing sewage pump station that the proposed homes would utilize. The pump station has since been eliminated and sewage from this area is conveyed by gravity sewer with sufficient capacity to serve an additional lot. If the rationale of restricting further subdivision of lot 2 was based exclusively on the capacity of the old pump station. This restriction no longer appears necessary.

Mr. Mark Picucci, Applicant, and Mr. Ralph Mastromonaco, P.E. were in attendance. Mr. Mastromonaco addressed the Board, he noted that they are asking the Board to approve or grant modification to the prior resolution. They are not asking for subdivision approval. Mr. Mastromonaco asked for a public hearing. Mr. Chin reiterated the issue that the Board is not in favor of changing a resolution of the prior Board. He noted that if the Board were to consider amending the prior resolution there would have to be hearing because all of the neighbors are operating under the presumption of the previous Planning Board's decision. Mr. Bossinas stated that he is in agreement with Mr. Chin's position. Mr. Bossinas also noted that in his conversation with the Building Inspector, subdividing this property would create a non-conformity because there would be no frontage for the middle property, you would have to use another property for access.

It is unclear whether a hearing is required for this. Again, Mr. Chin noted that the Board is not comfortable overturning an existing decision of the previous Planning Board. Mr. Chin asked each individual Board Member for a vote to consider overturning the previous Planning Board's decision. Every Board Member clearly voted that they are **not** in favor of amending the previous Planning Board's resolution. Ms. Zalantis noted that if the applicant is asking to modify a prior resolution, then they are asking for an amended subdivision. There are other legal issues with the existing plat and there would be variances required. Although a letter received from Mr. Weeks offers his input, it doesn't state the opinions of the other Board Members that approved this Resolution in 2007. Things like SEQRA and other site features will have to be re-addressed in compliance with today's code requirements. A complete set of new materials and application would have to be provided asking for an amended subdivision. Mr. Mastromonaco argued that this is just a condition in the resolution, it's not a subdivision amendment.

Picucci - continued

Mr. Chin repeated that he and the Planning Board members are not comfortable with amending a prior Board's resolution. Ms. Zalantis said there is no basis for the Board to consider the amendment to a prior Board's Resolution. After some discussion on the issue, Mr. Chin directed staff to prepare a resolution to reflect the Board's discussion and decision this evening. The Board voted unanimously in favor of drafting a resolution of what was discussed this evening.

Mr. Bossinas made a motion, seconded by Ms. Stevens and it was unanimously approved by the Planning Board to direct staff to prepare a resolution describing the issues discussed this evening.

Marricco, 125 Morningside Drive, New Single-Family Residence, Architectural Review

John Marricco (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to construct a single-family house at 125 Morningside Drive Section Block and Lot 90.1-1-11.3 (the "Project Site"). The Project Site is a 45,518 square foot parcel and the Applicant is looking to create a single-family home consisting of 2,130 square feet of livable floor area.

The Applicant submitted the following: Architectural Review application received February 24, 2020; Letter with material details dated March 10, 2020; Architectural Drawings PD-1 to PD-4 by RFA & Associates dated November 11, 2019 and zoning table added April 24, 2020; and Letter dated March 27, 2020.

Ms. Monastra submitted a review memo, dated April 30, 2020. Mr. Ciarcia submitted a review memo dated May 6, 2020. Copies were submitted to the applicant and the Board.

Mr. David Arango, RFA & Associates LLC was in attendance. Mr. Arango described elevations, colors, materials and surrounding homes. Ms. Sharrett pointed out that the home is not really visible from the road, but there is a stream at the front which goes into the stream at Armstrong Plumbing, 593 North State Rd. and then to the SPCA, 590 North State Rd.

Mr. Arango noted that the property may need a variance for lot width. Ms. Monastra said she will have to check the original subdivision plan and consult with the Building Inspector to see if a variance is required. Ms. Zalantis noted if a variance is required that should come first in the process. Mr. Ciarcia noted that the house orientation isn't quite near to where it is supposed to be and the driveway configuration is different from the approved on the 2007 subdivision plat. The question is; if this rises to the level of site plan review because of the proposed orientation of the house and driveway change. Mr. Arango asked for access to copies of the original site plan. Ms. Sharrett expressed concerns with runoff from the house. Mr. Ciarcia noted that this is going into a piped system which exists and was addressed in the original subdivision. This is how the new home is going to be connected. The home location is far from the stream in the front.

Ms. Monastra will research the issue of the need for a variance, which she believes may have been addressed in the original subdivision. Mr. Chin recommended that the applicant address comments in Mr. Ciarcia's memo. The application was adjourned to May 20, 2020 for further review.

Fiorito, 39 Old Albany Post Road, New Duplex, Architectural Review

Bruce Fiorito (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to construct a two-family house at 39 Old Albany Post Road Section Block and Lot 80.14-1-28 (the "Project Site"). The Project Site is an 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.

The Applicant submitted the following documents: Architectural Review application dated March 10, 2020; Architectural Drawings A-1.0 to A-16.0 and S-1.0 by Paul B. Jankovitz Architecture/Planners dated November 5, 2019; Materials submitted May 5, 2020; and Site Plan dated April 15, 2020 and amended May 5, 2020.

Fiorito – continued

A memo from Ms. Monastra, dated May 6, 2020, was submitted to the Board and the Applicant. An Engineering Review Memo from Mr. Ciarcia, dated May 6, 2020, was submitted to the Board and the Applicant.

Mr. Fiorito was in attendance and gave a brief overview of the project to the Board. Mr. Fiorito discussed the proposed color of the home. The rendering doesn't exactly match the shade of green being proposed. He recommended the Board take a look at a house he built on 155 Cedar Lane which is the same color choice he is using for this.

Ms. Monastra noted issues were discussed with regard to the parking area and lot width potentially needing a variance. The Building inspector weighed in on the parking area and lot width variance and determined that the lot is a pre-existing non-conforming lot. The applicant has also addressed the site plan to adhere to Section 200-29 C of the Zoning Code. All other application materials are complete with the exception of lighting detail. Mr. Fiorito agreed to submit this.

Mr. Ciarcia reviewed memo items with the Applicant and the Board. Mr. Fiorito was in agreement with Mr. Ciarcia's comments. Ms. Monastra asked about fencing on the property, Mr. Fiorito noted there's an existing fence that belongs to the neighbor. He further discussed plantings proposed, Arborvitae, Red Maples, and Aphrodite which is a thick flowering shrub to camouflage the neighbor's fence. Ms. Sharrett offered input on plantings. She asked the applicant to provide Botanical Latin names on the plan. She noted that there are several varieties of Red Maples and asked for more detail about the Aphrodite plant. Ms. Sharrett recommends low lighting in the parking area rather than flooding the whole area with light. Ms. Sharrett also recommended further separation between the rear patios and additional screening from the adjoining commercial properties.

Dr. Hougham brought attention to the historical value of the previous house which was built by an Ossining Celebrity, Henry Gourdin. In his opinion, Dr. Hougham believes a single-family house would have been a better choice for this site. Dr. Hougham requested Mr. Fiorito to build a natural stone wall along the front property line. Another item was the possible addition of window storm shutters. Mr. Fiorito noted that a stone wall is not feasible and is not in agreement with this request. Mr. Fiorito noted that the property was previously zoned for General Business, then the zoning was changed, he went to the Town Board in opposition. Later it was agreed that he could build this type of two-family residential home which was preferred over commercial by residents and the Board. In Mr. Fiorito's opinion, his plan is a great improvement over what was there previously. Dr. Hougham disagreed with Mr. Fiorito and asked that he build the wall along the front. He said a wall in front of this home is in keeping with other homes nearby and defines character of the neighborhood as a historic type neighborhood. In response to Dr. Hougham and Mr. Fiorito's discussion, as a compromise, Ms. Monastra recommended some type of stone work or decorative pillars, not necessarily the entire length of the property line. The front property line is approximately 150 feet long.

Mr. Fiorito firmly disagreed with the request for a wall. He said he could do more with nice landscaping and perhaps large boulders along there. Mr. Fiorito noted that there are no walls on that side of the road. It doesn't really tie in to the rest of the road. Mr. Fiorito agreed that additional planting at the front would be a better solution than the wall. Dr. Hougham urged Mr. Fiorito revisit his landscape architect and provide a more detailed planting plan for the front.

Mr. Bossinas recommended considering Ms. Sharrett's comments which could address Dr. Hougham's concerns. Ms. Sharrett recommend flowering shrubs instead of flower beds. Ms. Sharrett asked Mr. Fiorito visit the Town's EAC webpage where there is a link for a list of recommended native plantings. After some discussion regarding the proposed color of the home, Mr. Fiorito again asked the Board Members to try and drive by 155 Cedar Lane to see the exact color scheme. Ms. Sharrett recommended changing the front door overhang design. Mr. Fiorito said he could change the overhang with something that could span across the whole length of the front. Mr. Fiorito said he could consult with his architect to try and achieve a more historical look. Mr. Bossinas asked Mr. Fiorito if the windows are all white in color. Mr. Fiorito said yes, they are all white, the rendering is not 100% accurate. Dr. Hougham was in disagreement with a chain link fence proposed on another area of the site. Mr. Fiorito noted that there's a stone wall on that side and then the fence connects to that. The fence is proposed to be a 3 foot black chain link fence. Mr. Fiorito will check with the Building Inspector to see what the requirements allow for on safety fencing because there is a steep drop off at that part of the site. Mr. Fiorito said he will revise the roof over the doors, the planting plan and other updates as discussed. The application was adjourned to May 20, 2020 for further review.

Miscellaneous

John Fussell, 50 Old Albany Post Rd. - Revision to approved retaining wall design or Architectural Review approval. Applicant was not in attendance.

Santucci and Schemmer Minor Subdivision, 37 – 41 Croton Dam Rd. – Mr. Matthew Steinberg, AICP, of Divney, Tung, Schwalbe, LLP, was in attendance. Mr. Steinberg noted that the applicant is working on certain issues relating to water, sewer, and completing easement revisions. On behalf of the applicant, Mr. Steinberg requested the Board extend the Resolution of Final Subdivision of Approval for a period of 90 days.

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Planning Board to **grant (2) two ninety-day extensions of time to the Santucci and Schemmer Minor Subdivision Resolution of Approval.**

Minutes

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and passed by the Planning Board to adopt meeting minutes of the February 19, 2020 Planning Board meeting.

Adjournment

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and it was unanimously passed by the Board to adjourn the meeting to May 20, 2020.

Time Noted: 9:35 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: June 2, 2020