

June 17, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on June 17, 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:

Join Zoom Meeting
<https://us02web.zoom.us/j/89781274749>
Meeting ID: 897 8127 4749

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
Jesus Lopez, Alternate 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

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

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.

Mr. Chin opened the public hearing. Mr. David Arango, RFA & Associates LLC was in attendance. He said they have updated the last set of plans to include windows on the side of the home and an updated planting plan as discussed at the last meeting. Mr. Arango gave an overview of the plan to the public. He said it is conforming to the neighborhood. The vinyl siding color is Buckskin, raised panel vinyl shutters are brown, roof material is Timberline HD Architectural Shingles and the color is Hickory. The home is a modular type colonial style. The septic field and retention pond were added to the site plan. The home is located in compliance with the original subdivision requirement.

Ms. Monastra reported that the latest submissions have been reviewed. The only changes made are the windows to address the Board's comments, as well as proposing some alternative plantings, dealing with five white pines behind the American holly to decrease the number of American holly proposed and to still include screening without a hedge like appearance as requested by the Board. Mr. Ciarcia said his comments have been addressed by the applicant.

Ms. Sharrett said the home is more attractive on the side that faces away from the street rather than the garage side. She asked the applicant if the second floor layout can be reversed so there are two windows facing the road on the second floor. It looks a little odd from that view from the road side. Mr. Arango noted that reversing the second floor would be a challenge. Mr. Bossinas urged the applicant to frame in a window on that side, something that is very easy to do. Three windows look odd and this is the elevation you're going to see when pulling up to the house. Mr. Arango noted that they did try to put the window in but his client did not want a window located in the walk-in closet. Mr. Arango said he would try to suggest the additional window to his client again, but he would be putting it in the bedroom. Reversing the upper floor is not feasible. Mr. Bossinas noted that two windows in the master bedroom would be appropriate, the windows don't have to be aligned exactly. Mr. Arango said he will discuss and suggest this again with his client. There were some issues with furniture placement.

Marricco - continued

Ms. Sharrett asked Mr. Arango what type of lighting will be located at the garage level. Mr. Arango said lighting will be on a motion detector. Ms. Sharrett is in disagreement with an earlier comment when Mr. Arango said the house conforms to the neighborhood. Mr. Arango clarified that there are certain features on the house that comply with the neighborhood. The neighborhood has a variety of different style homes. Ms. Sharrett thanked Mr. Arango for adding additional plantings. She clarified again, this is more of a natural area and her request was for planting more deciduous trees. This planting plan is still creating a hedge-like appearance. Dr. Hougham asked for clarification on the retaining walls and the height of those walls. Mr. Arango noted they are about 5' 2" to 5' 8". The wall is going to be made of stone all the way through.

Mr. Chin opened the meeting to the public for comment and questions. Mr. Lenaghan, 123 Morningside Drive was present. He noted that he lives in this three lot subdivision in the original house below this new home. He noted that the similarity reference is not relevant. His home and Mr. Marricco's first house at 127 Morningside are very different. Mr. Lenaghan noted that his house is single story and this new one is going to be high above him so he is concerned about things like distance from the road and what sort of lights are going to be on it and height of the home. He said his concerns with planting are not specific type of tree but more of what can be done for providing more of a buffer from his home. Mr. Lenaghan asked if there are specific codes on how high the house can be.

Mr. Arango pointed to the zoning chart on his plan which shows the maximum height permitted is 35 feet, this plan is proposing 28.75. Mr. Arango said they are under what the requirement allows but this number is based on average grade of the entire foundation. The basement is not totally exposed, only the area for the garage so they are in compliance with the code. The home is only two stories. Again, this is based on average grade of the entire lower level. Mr. Lenaghan asked Mr. Arango what the distance is from the shared driveway (the road that connects the three homes in this subdivision). Mr. Arango noted that they are putting the home in the exact location required per the original subdivision. If they move this, it wouldn't be conforming to requirements of the original subdivision.

Ms. Monastra noted that this is an Architectural Review and the plan is being reviewed to make sure it doesn't require a zoning variance. In response to Mr. Lenaghan's concerns, Mr. Bossinas said the subdivision itself was approved quite some time ago, 13 years ago. The approvals for the site where the home is going to be placed on the site was taken care of at that time. The Board is here tonight as an ARB Architectural Review Board. Ms. Monastra has reviewed the plan to make sure it falls within the requirements of the zoning code.

Again, Mr. Lenaghan said he is less concerned with the style of the planting and more concerned with the effectiveness of the plantings as a shield in terms of lighting. Also, it is required that the new home, based on the original subdivision, use the common shared driveway and is not permitted to create a new separate driveway at some point in the future. The subdivision map requires the use of the shared driveway.

Ms. Marilyn Sternschuss of 6 Morningside Court, expressed concerns with the trees along her property line that abuts this property and asked the applicant what trees they are clearing to build the new home. She asked how close they will be to her property, as far as taking down trees along the property line. Mr. Arango showed Ms. Sternschuss the planting plan. Mr. Sternschuss, 6 Morningside Court said they are concerned about takedowns that are adjacent to their property. Mr. Arango confirmed that there are no existing trees to be removed. The plan is only adding additional plantings. No trees will be removed from the property.

Mr. Arango noted that they will provide a lighting plan showing lumens. Also, the lights are only at the garage, front porch, and no lamp posts are proposed anywhere along the driveway or other. Dr. Hougham asked Mr. Arango to show the adjoining properties including Mr. Lenaghan's home at 123 Morningside. Dr. Hougham asked if there could be a line of tall trees at the corner of Mr. Lenaghan's property which is the opposite side of the shared driveway, there are trees proposed on one side, can the applicant add some on that opposite side which will create a buffer for Mr. Lenaghan. Mr. Arango said they can provide something on that side. Mr. Lenaghan noted that the existing house, Mr. Marricco built at 127, provides a thick row of Arborvitae which is a nice screen and he can't really see anything on that side. It would have the same effect here. After some discussion on tree placement to buffer Mr. Lenaghan's home, Mr. Arango agreed to discuss planting in and around that corner that borders Mr. Lenaghan's and the piece between the septic field and the property line.

Marricco - continued

Mr. Brandon Lawrence, 122 Morningside Drive, asked the Board if this has already been approved. Mr. Bossinas noted that the lot and construction plan was approved several years ago under the subdivision approval. A building permit has not been issued yet and the Planning Board is here tonight as an Architectural Review Board. Mr. Bossinas noted that Town Consultants have reviewed the plan and have confirmed that what he is proposing complies with the Town's zoning Laws. The lot was created 13 years ago.

Mr. Chin asked if there was anyone from the Public who would like to speak on this matter. Mr. Lawrence asked what the next steps are and how will this proceed? Ms. Zalantis noted the Board has asked for some additional changes to the plan and can continue with the public hearing by leaving it open to the next meeting. The Board can vote on the preparation of a draft resolution to consider at the next meeting. Mr. Lenaghan thanked the Board for hearing his concerns and working with applicant as well as Mr. Marricco's Architect, Mr. Arango.

At this time Mr. Chin asked for a motion from the Board to continue the public hearing to the next meeting scheduled for July 1, 2020 and to have staff prepare a draft resolution of approval to review and consider.

Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to continue the public hearing to July 1, 2020 and have staff prepare a draft resolution of the approval for review and consideration.

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

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.

Mr. Fiorito was in attendance. He discussed plantings to be placed directly in front of the house. Pictures of plants he is considering and sketch was circulated earlier in the day by email. Mr. Fiorito said it's about 500 square feet and he tried to address the request of adding plants with color so it would not fade into the green of the proposed home. Ms. Monastra noted that once the plants and landscaping plan is finalized these should be added to the final site plan for a complete detailed set. Mr. Ciarcia noted that Mr. Fiorito has addressed all of his comments and concerns at this time.

Ms. Sharrett confirmed that the driveway light will be on a motion detector. Ms. Sharrett noted that the plants are not native, they are plants that are available locally. Ms. Sharrett expressed concern with the fact that the neighborhood has a historic eclectic look and the proposed plants are more of a traditional suburban neighborhood that has a different feel. Dr. Hougham asked Mr. Fiorito if there are native Rhododendron. Mr. Fiorito said he tried to stay with plants that may not grow as tall. Some of the plants are flowering and stay colorful for a good part of the year. Mr. Fiorito said he was trying to add color. Ms. Sharrett reminded Mr. Fiorito to try and stay away from plants that may be invasive and/or are on the prohibited planting list. Mr. Fiorito said he will look out for that. Dr. Hougham said as long as his plants are on the approved planting list from the Town of Ossining, he is fine with the choices and is sure it will be pretty. Ms. Sharrett clarified that none of the plants are on the native plant list.

Ms. Daria Gregg, 51 Old Albany Post Road was in attendance. Mr. Fiorito gave a brief description to Ms. Gregg and Ms. Monastra posted the plan rendering and color choices. Ms. Gregg said she wanted to publicly thank Mr. Fiorito for building residential rather than commercial in their neighborhood. She said that she is speaking for others in the neighborhood as well, and they really appreciate it. Mr. Fiorito thanked Ms. Gregg.

At this time, Mr. Chin asked if there were any questions or concerns from the Public or the Board. Ms. Monastra noted Mr. Fiorito can update the plan to include all of these details in one plan. Mr. Fiorito asked for flexibility as to which plants will be put in depending on time of year and what is available and to check and see if anything he has shown is invasive or prohibited. Mr. Bossinas recommended putting as much specific information as possible on the plan. Mr. Fiorito agreed.

Fiorito - continued

Mr. Chin asked for motion to continue the public hearing to July 1, 2020 and to have staff prepare a draft resolution of approval for review and consideration.

Mr. Bossinas made a motion, seconded by Dr. Hougham and unanimously passed by the Board to continue the public hearing to July 1, 2020 and have staff prepare a draft resolution of the approval for review and consideration.

Sunrise Solar Solutions, LLC, Club Fit Briarcliff, 584 North State Road, Site Plan Amendment

Sunrise Solar Solutions (“Applicant”) located at 510 North State Road in Ossining, New York is seeking amended Site Plan approval to install a Tier One solar array on the roof of the existing fitness club building owned by Briarcliff Racquet and Fitness Club Associates doing business as Club Fit (the “Owner”) at 584 North State Road Section Block and Lot 90.15-2-1 (the “Project Site”). The Applicant seeks to install ground mounted solar equipment on the north end of the existing Club Fit building, for a proposed Tier 1 rooftop solar installation. The proposal includes the construction of concrete pads for the solar equipment, trenching for utility lines, a chain link fence with privacy slats to match existing fencing on site, earthwork and a retaining wall, and removal of seventeen trees.

The applicants were not in attendance. A public hearing is scheduled for July 1, 2020. The plan was referred to the Environmental Advisory Committee and they submitted a report dated June 16, 2020 to the Board and the applicant for tonight’s meeting.

Ms. Marilyn Owens from the EAC directed to the Board key points outlined in the letter. The EAC had a virtual meeting with Ms. Dawn McKenzie, Insite Engineering on June 8, 2020 and reviewed the proposal with the EAC. The EAC did visit the site and a letter was submitted by Mr. Craig Stevens, Town Tree Warden. There are three areas of discrepancy. The applicant stated there are 17 trees and based on Mr. Steven’s letter there are 22 trees in question. The other discrepancy has to do with the health and condition of the trees on the property. According to the applicant, health and condition of the majority of the trees are poor. Two have been designated as dying. The other discrepancy has to do with the identification of the trees. The applicant states the majority of the trees are in poor condition.

According to the Town’s Tree Expert, Mr. Stevens and the trees listed on the applicant’s document, he was able to identify an additional 6 trees that were not included in their information. Based on these discrepancies, the EAC is recommending that there needs to be a review of the trees on the property to determine the actual identification of the trees, to get consensus on the health of the trees, and also the number of trees that would need to have a remediation plan if they are removed. The Committee is recommending that there be a re-evaluation of the trees on the property and based on Mr. Stevens’ calculation, there would possibly be 20 trees which 50 percent of those trees would have to have a permit and remediation plan put forth by the applicant.

Mr. Chin thanked the EAC for their continued efforts. Ms. Monastra noted that her memo did contain comments of the Town’s Tree Expert in it and it would be wise to communicate to the applicant to go out to the site and re-address the EAC’s comments, especially with regard to identifying the correct number of trees and then re-calculating tree replacement based upon the number of healthy trees identified by the Town’s Tree Expert. Mr. Chin asked if there were any further comments from the Board. There were none. Mr. Chin thanked Ms. Owens and asked her to thank the EAC as well.

Minutes

Mr. Bossinas made a motion, seconded by Ms. Stevens and unanimously passed by the Board to approve minutes of Planning Board Meeting June 3, 2020, as amended to include the comment that Mr. Fiorito’s lighting will be on a motion detector, not a timer.

June 17, 2020

Executive Session & Adjournment

Mr. Chin asked for motion to go into executive session for the purpose of discussing potential litigation and legal matters with the understanding that the Board will not be returning and to adjourn the meeting to July 1, 2020.

Ms. Stevens made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to go into executive session for the purpose of discussing potential litigation and legal matters with the understanding that the Board will not be returning and to adjourn the regular Planning Board meeting to July 1, 2020.

Time Noted: 9:03 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: July 1, 2020