

August 19, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on August 19, 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/83892234143>

Meeting ID 838 9223 4143

There were present the following members of the Planning Board:

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

Absent: Jim Bossinas, 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

Cliff Neto, 53 Ganung Drive, Addition to Single-Family Residence, Architectural Review PUBLIC HEARING

Cliff Neto (the Applicant and Owner) is seeking Architectural Review Board (ARB) approval to construct a two-story addition onto a single-family house at 53 Ganung Drive owned by Cliff Neto, Section Block and Lot 90.14-1-40 (Project Site). The property is located in the R-20 Residential District. Updated plans were on file with latest revisions July 17, 2020.

It was noted that the original public hearing was set for August 5, 2020, this was cancelled and moved to today's date due to hurricane Isaias which resulted in power outages and closures. Mr. Lou DeMasi, Mr. Cliff Neto and Ms. Deanna D'Amore, property owners, were in attendance. Mr. DeMasi gave a brief overview of the project to the Public and the Board. A two-story addition is proposed in the area of the existing garage. The garage will be demolished and rebuilt with a slight expansion of about three feet but remain as a one-car garage. Above that will be a master bedroom suite. Mr. DeMasi noted that the proposal meets all of the yard setbacks. The lower level will have a garage, guest bedroom and playroom area with connection to the back yard. The second level will have the master bedroom suite, bathroom, with office.

Mr. Chin asked if anyone from the Public or the Board had any questions or concerns with the application. Mr. Ciarcia said he had some minor comments; provide a property survey, erosion control plan and details. Ms. Monastra noted the applicant modified the plan to reflect a single-family house and then later on down the line, if they choose to seek an accessory apartment they can revise the interior at that point in time. Ms. Sharrett expressed concern with the side entrance doors. In her opinion, this is not at all in keeping with the neighborhood. Mr. DeMasi said they will not removing the side door and they do have plans to apply for an accessory apartment permit in the future.

Mr. Chin asked if anyone has a problem with approving something based on the possibility of it being an accessory apartment in two years. Ms. Stevens, Dr. Hougham noted that they don't have an issue with it. Mr. Ching said this issue can be addressed when they actually end up making an application for that and some of that might not be the Planning Board's purview. Mr. Chin asked if anyone from the public was in attendance to comment on this matter. There were none.

Ms. Zalantis advised the Board to adjourn and hold this public hearing open so it can be re-noticed because the last meeting was cancelled. Although it was re-noticed, there wasn't the required 10 days since the last meeting.

Cliff Neto – continued

Mr. Chin asked the Board for a motion to adjourn the public hearing and to direct staff to prepare a draft resolution of approval for the September 2, 2020 meeting of the Planning Board.

Ms. Stevens made a motion, seconded by Dr. Hougham and unanimously passed by the Board **to adjourn the Cliff Neto, 53 Ganung Drive Addition to Single-Family Residence Architectural Review Public hearing to September 2, 2020.**

Ms. Stevens made a motion, seconded by Ms. Sharrett and unanimously passed by the Board **to direct staff to prepare a draft resolution of approval for Cliff Neto, 53 Ganung Drive Addition to Single-Family Residence Architectural Review.**

Rinaldi Subdivision, 39 Stormytown Road, 10-Lot Subdivision, Final Subdivision Review

Michael A. Rinaldi and Louis Rinaldi (the Applicant and Owner) are seeking Final Subdivision Plat Approval to subdivide the subject property into ten (10) building lots and to construct a Town Road to provide access to eight (8) of the ten (10) lots. Lots #1 and #3 are proposed to have direct access to Stormytown Road via existing driveways. The project is located at 39 Stormytown Road, Section 89.07, Block 3, Lot 62 on the Town of Ossining tax maps. The site is 6.68 acres in size and is zoned R-20 One-Family Residence District. The Applicant received Preliminary Site Plan Approval on October 2, 2019.

The following materials were submitted by the Applicant: Planning Board Application dated December 6, 2019; Subdivision Plans by ARO.HT Design Group and Jorge B. Hernandez, RA, AIA and last revised August 24, 2020: T-1, Title Sheet, S-1, Proposed Site Plan & Zoning Data, S-2, Proposed Steep Slope Plan, Legend and Analysis Table, S-3, Proposed Landscaping Plan, Images, Legends, Note and Details, S-4, Existing Tree List, Subdivision Engineering Plans by Fusion Engineering, PC and dated July 27, 2020: Predevelopment Plan, Post Development Drainage Plan, Sight Distance Plan, Fire Hydrant Plan, Road Geometry and Easements, Grading Plan, Driveway and Road Profiles, Water Main and Sewer Profiles, Drainage Plan, Details-1, Details-2, Stormwater Pollution Prevention Plan by Fusion Engineering, PC dated July 27, 2019; and Response memorandum from ARO.HT Design Group dated August 10, 2020.

Mr. Jorge B. Hernandez, Architect, was in attendance. Mr. Hernandez asked if the Board would consider scheduling a public hearing. Mr. Chin asked the Board if there are any questions or comments. Ms. Monastra noted that the applicant still needs to provide additional information per the conditions of the preliminary resolution and memo items. They have addressed some issues but there are still some outstanding items at this time. The negative declaration has been issued and as the applicant continues to provide additional information on the conditions of resolution, Ms. Monastra and Mr. Ciarcia will continue to update the board.

Mr. Ciarcia submitted a review memo dated August 19, 2020 to the Applicant and the Board. Mr. Ciarcia suggested one of the main concerns is that the applicant needs to provide a subdivision plat. Mr. Hernandez said surveyors are currently working on that. It was recommended that the plat be available for the scheduling of the Public Hearing.

Ms. Sharrett pointed out a concern with the tree plan. She noted that a lot of the trees are either in poor condition or invasive. The applicant may not have to compensate for all of them and asked the applicant if they figured out when they calculated the tree diameter replacement, if they used all of these trees that are highlighted in red on the plan. Mr. Hernandez said yes, they did. According to the plan there are more trees being replaced than required. Ms. Sharrett recommended that they revisit that because she doesn't think they would need as many especially if the ones being removed are in poor condition. Her recommendation was to have the Town Tree Warden go out and verify the species and conditions because it's a possibility they could get rid of some of the ones that are invasive and in poor condition and not have to replace as many. Also, Ms. Sharrett expressed concerns with the plantings that are going to be done down the hill in a very steep slope. This area is difficult to maintain. She urged that it's really important that the trees planted succeed.

Rinaldi -continued

Mr. Hernandez said they can discuss revisiting the tree plan with the applicant. Mr. Ciarcia noted that the landscaping plan really has to be coordinated with the utility plan. The rain garden is going to have to end up having its own landscaping plan and trees in the stormwater areas are unrealistic. This may be better with a few shrubs. Mr. Ciarcia pointed out that the applicant should be mindful of the stormwater improvements that are associated with a lots and also treatments that are there to mitigate runoff originating from the road. It doesn't seem appropriate that individual lot owners should be on the hook to maintaining a storm water practice that are coming from the road. There is going to have to be a plan in place for stormwater that spells out how those improvements are going to be managed.

Mr. Hernandez said the road is going to be a dedicated Town road. Ms. Stevens recommended curbs. Roads with curbs are more easily maintained. Ms. Sharrett and Dr. Hougham were in agreement with this. Dr. Hougham raised the issue of sidewalks and possibly installing sidewalks along Stormytown Road. It was further discussed to possibly develop pedestrian access to other neighborhoods. Reeback Drive is across the street from this and there could potentially be a connection from this to the Reeback Drive neighborhood from where the stop sign on Stormytown Road is located. Also, sidewalks along Stormytown Road itself offering the future possibility of connecting to Executive Blvd.

After some discussion on sidewalks, Ms. Monastra reminded the applicant that there are some items like highway department review, dealing with utilities, fire truck access and other items discussed that need to be addressed before a public hearing. The Board was in agreement with this. The next meeting is scheduled for September 2, 2020. The applicant should provide more materials for that date. Mr. Hernandez agreed.

Ecogy New York II LLC, Maryknoll, 75 Ryder Road, Solar Canopy System

Ecogy Energy New York II LLC. (the "Applicant") and the Catholic Foreign Mission Society of America Inc. ("Property Owner") are seeking to develop a Tier 3 solar energy system under the Town's Solar Energy System Floating Zone at 75 Ryder Road, Section Block and Lot 90.06-1-1 ("Project Site"). The Applicant proposes to install a 666 kW AC solar canopy system over two existing parking lots. The canopy system would range from 17 feet 8 inches to 21 feet and 11 inches high. The project will require Planning Board conditional use and site plan approvals and a Town Board zoning map amendment approval to apply the Solar Energy System Floating Zone to the Project Site. In addition, the Applicant is requesting a zoning text change to 200-31.3 Table 3 of the Zoning Code to increase the maximum height from 15 feet to "25 feet for a canopy that is placed exclusively over impervious surfaces or surfaces without vegetation that are used as parking lots".

The following materials were submitted by the Applicant: Town Board application and narrative dated April 21, 2020; Planning Board application and narrative dated August 5, 2020; Short Environmental Assessment Form dated May 5, 2020; Site Plan dated July 23, 2020; and Zoning letter from the Town Building Inspector dated July 27, 2020.

Ms. Julia Magliozzo, Ecogy Energy Operations Manager, Mr. Brock Gibian, Development Manager and Mr. Jim Donaldson, Director of Construction were in attendance. Ms. Monastra provided a memo dated August 17, 2020 which was submitted to the applicant and the Board. Mr. Gibian gave a brief presentation and overview of their company to the Board.

Ms. Monastra outlined items required by the applicant and the Board. The Board will have to provide a notice to be lead agency under SEQRA. Mr. Ciarcia noted that there are no engineering items relating to site work on this project. Mr. Chin asked the Board for comments or concerns. Ms. Stevens said this is an interesting project and as far as screening, she was at the site and doesn't think it would be visible from the road. Dr. Hougham also said this is a great project but expressed concern about zoning text amendment to increase height. Mr. Ciarcia explained that there needs to be clearance for different types of trucks and emergency vehicles. Ms. Stevens asked that the Board consider having the fire department make a recommendation. At this time, Ms. Magliozzo said they have reached out to the Ossining Fire Department and they indicated that the tallest ladder trucks are 12' to 13' feet. The lowest part of the canopy is 13' 6".

Ecogy, Maryknoll - continued

Ms. Sharrett said this is an excellent plan. Ms. Sharrett made the recommendation of installing the overhead wires underground. Ms. Magliozzo said Con Edison prefers the overhead wires but they will inquire again to see if they can go underground. Mr. Gibian pointed out that only the Con Edison portion of the wires are overhead, as soon as it comes to the customer owned Ecogy work, this is all underground adding significant project cost and trenching over 1,000 feet. Mr. Gibian said they will try again to reach out to Con Edison on this issue. Ms. Sharrett asked if any of the existing plantings be affected by shade from the structure. Mr. Gibian said the panels are glass on glass so it's going to be working on both sides of panel allowing for sun and allowing for any snow to melt right away.

Ms. Sharrett said she is also interested to see the condition of the existing trees and if they are being maintained in a way that they're not going to be come tumbling down during the next hurricane. Also, suggesting that Maryknoll do some structural pruning to ensure that those trees stay healthy and be able to screen for a long time. Mr. Gibian said he believes Maryknoll does maintain the grounds.

Mr. Chin asked if there are any additional comments or concerns. There were none. Ms. Monastra recommended a motion for the Planning Board to prepare notice of intent to be lead agency under SEQRA for this project. Mr. Chin asked the Board for a motion.

Dr. Hougham made a motion, seconded by Ms. Stevens and unanimously passed by the Board **to declare Notice of Intent to be Lead Agency under SEQRA on the Ecogy, Maryknoll Solar Canopy project, 75 Ryder Road.**

Freddie Polzella, 3 Waterview Drive New Single-Family Residence, Architectural Review

Freddie Polzella (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to construct a two-story single family house at 3 Waterview Drive, Section, Block and Lot 80.10-1-9 ("Project Site"). The property is located in R-5 residential district.

The following materials were submitted by the applicant: Architectural Review application dated August 11, 2020; Material details received August 11, 2020; and Architectural Drawings by DeMasi Architects dated July 22, 2020.

Ms. Monastra noted the applicant should submit photographs of the surrounding properties. Architectural drawings should be labeled to identify the proposed colors. The landscaping plan provided shows none of the proposed plantings are listed native species list which is part of the ARB's new plant recommendations. Lighting and fencing details should be submitted to the Board. Mr. Ciarcia has a site plan he is currently reviewing which will be ready for the next meeting.

Mr. DeMasi said there are some pictures of the site. The lot is one of the last lots in the Waterview Development that has not been developed. Mr. DeMasi said he would provide the Town's recommended list of plants to the engineer and update it accordingly.

Dr. Hougham expressed concern with the side window on the right side elevation that shows only one window. Mr. DeMasi said he can add one window to that side but only to the first floor. Ms. Sharrett is in agreement with Dr. Hougham about the windows. Ms. Sharrett said the home is attractive and fits in with the neighborhood well. Ms. Sharrett recommended moving the windows on the left side elevation so they line up. Ms. Sharrett asked about the trees that are existing on site. Mr. Polzella said they are not going to be removed. They will refer to the recommended plants and tree list. Ms. Sharrett also recommended removing some evergreens to the back of the property instead of having a row of evergreens along the side and also putting in deciduous trees like the rest of the neighborhood. Also Ms. Sharrett suggested a bark mulch rather than shredded which was shown on the plan. The Board discussed scheduling a public hearing after the next submission of details discussed. Mr. DeMasi and Mr. Polzella thanked the Board.

Miscellaneous

Luigi Rogliano, 64 Hawkes ARB Retaining Wall Material Change

Mr. Rogliano was in attendance. The original Architectural Review approval shows a rubble stone wall. The applicant is looking to change it to a segmental block retaining wall which is much more uniform and even cut block. Mr. Rogliano said the purchaser of the home was looking for something more uniform. Dr. Hougham said the rubble stone walls are much more in character with the neighborhood than the segmented block wall. Dr. Hougham said he would be against the modification on this. Ms. Stevens and Ms. Sharrett were in agreement with Dr. Hougham, the natural stone wall over the segmented block wall. The Board agreed that they are not in favor of adjusting the original approved plan to change natural stone walls on 64 Hawkes Avenue, construction of a New Single-Family Home.

Minutes

Ms. Stevens made a motion, seconded by Ms. Sharrett and unanimously passed by the Board **to approve the minutes of Planning Board meeting July 1, 2020 as amended.**

Ms. Sharrett made a motion, seconded by Dr. Hougham and unanimously passed by the Board **to approve the minutes of Planning Board meeting July 15, 2020 as amended.**

Adjournment

A motion was made by Dr. Hougham made a motion, seconded by Ms. Sharrett and it was unanimously passed by the Board **to adjourn the meeting to September 2, 2020.**

Time Noted: 9:35 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: October 7, 2020