

September 2, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on September 2, 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/86092668498>

Meeting ID: 860 9266 8498

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

Absent: Jesus Lopez, Alternate Member

Also Present: Christie Addona, 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 CONTINUED**

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.

Mr. Cliff Neto and Mr. Lou DeMasi, Architect, were in attendance. Mr. DeMasi gave a brief overview of the project to the Board. There has been no recent changes to this application or materials received on file. Mr. Chin announced the continuation of public hearing to the audience and the Board. It was noted that the original public hearing was set for August 5, 2020, this was cancelled and moved to August 19, 2020 due to hurricane Isaias which resulted in power outages and closures. The applicant appeared on August 19, 2020 for the Public Hearing which was re-noticed and continued to this meeting, September 2, 2020.

Ms. Monastra submitted and reviewed with the Board a draft resolution of architectural review titled, Application of Cliff Neto, 53 Ganung Drive Resolution of Architectural Review Approval. At the July 15, 2020 Planning Board Meeting the acknowledged that they are planning at a later date to pursue a special permit for an accessory apartment as per section 200-31.2 of the zoning code. As a result, the applicant was informed that the interior of the residence, including the proposed addition needs to reflect a single-family home. If a special permit is received, the applicant can propose to modify the interior to include an accessory apartment. The July 17, 2020 revised site plans reflect a single-family home.

Ms. Addona noted if the applicant is seeking an accessory apartment permit in the future, it would require application to the Zoning Board of Appeals for a special permit and subject to further review at that time. Mr. Ciarcia noted the applicant has met all of his items regarding handling of stormwater. He has no further comment at this time. There were no further questions or concerns from the Public or the Board. Mr. Chin asked for a motion to close the public hearing and adopt the Resolution as discussed.

Ms. Sharrett made a motion, seconded by Ms. Stevens and unanimously passed by the Board **to close the Cliff Neto, 53 Ganung Drive, Addition to Single-Family Residence, Architectural Review Public Hearing.**

Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adopt the **Cliff Neto, 53 Ganung Drive, Resolution of Architectural Review Approval, dated September 2, 2020, as discussed.**

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

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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 September 16, 2020. Mr. Chin asked the Board if there are any questions or comments. Ms. Monastra submitted a memo dated August 31, 2020 to the Applicant and the Board for review. There are still outstanding items that the applicant needs to provide. Mr. Ciarcia referred to his review memo dated August 19, 2020. 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 asked the applicant to provide paper copies of their revised sheets in advance of the meeting. At the last meeting, there was a discussion on sidewalks and providing connectivity to the neighboring streets, access to the existing development across the way, or the possibility of running along Stormytown Road. Mr. Hernandez noted that they decided to put the sidewalk inside the subdivision, he suggested that a sidewalk on Stormytown Road would only be in front of the two parcels that front on Stormytown Road, not really connecting to another sidewalk.

Ms. Sharrett suggested they consider the sidewalk on Stormytown and possibly a bike lane. She would like to see a maintenance plan for the proposed rain garden on the first lot and how that is going to be handled. Also, Ms. Sharrett asked question about the tree plan which was hard to read on screen and looks like it hasn't changed from the previous version. A tree inventory plan accurately labeled to show the scientific name and something that shows regulated and non-regulated trees. Ms. Sharrett suggested having a Tree Expert look at the plan. As far as planting, some of the trees that are nearest to that stream are 60 feet below the road, no one is going to be able to maintain or water those trees. Ms. Sharrett recommended a stonewall be constructed along the road between lots #4 and #5 since there is such a steep slope directly next to the road. Also the stone wall along the cul-de-sac be lengthened around the curve of the cul-de-sac towards lot #5 due to the steep slope there. Mr. Hernandez noted as far as the tree plan that the Environmental Advisory Committee had already completed their site walk on the property and discussed all of the clearing that needed to be done and trees that they are going to be providing. Mr. Hernandez said they can add or remove more trees, but then this changes the tree plan that was assessed prior. Mr. Hernandez noted that they are not just throwing trees down the hill. It was a long process worked out during the preliminary subdivision review process. Mr. Hernandez offered to work on a maintenance report for the trees.

An earlier recommendation of Ms. Stevens, with regard to the installation of curbing was brought up again which seems to be agreeable with everyone. Ms. Sharrett raised concern with the proposed driveways as shown, some appear to be very large asphalt driveways directly in the middle of the front yards of each home. Her recommendation would be to try moving it over to one side to create more of an attractive front yard for the homes, if possible. Mr. Hernandez noted that they are working within certain slopes and restraints with regard to the road and driveway connections. Dr. Hougham agreed with Ms. Sharrett's recommendations but noted that the screening at the bottom was done to provide for a buffer between Torview, the swim club next door. Mr. Bossinas noted that the sidewalk may be better in the location along Stormytown Road which could also help provide neighborhood access to Torview.

**Rinaldi Continued**

At this time Mr. Chin asked the Board for a motion to set a public hearing. Ms. Stevens made a motion, seconded by Dr. Hougham and unanimously passed **to set the public hearing on October 7, 2020 for the Rinaldi Subdivision, 39 Stormytown Road Final Subdivision Review.**

Mr. Hernandez thanked the Board.

**Ecogy Energy 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 Maglizzo of Ecogy Energy was in attendance. Ms. Maglizzo submitted a response and update to the plan today, which was not enough time for the Board to provide review and comment. However, it was understood that they just wanted to submit the plan and verbally update the Board on comments they received at the last Planning Board meeting. They did go back to Con Edison and asked to use underground lines at the north of the property line to avoid a few trees and Con Edison did approve that, so they will be putting just one pole on the property. From that pole, it will go right into a pole box underground and then they will run underground lines. This adds 200 feet of underground trenching which is a fairly significant cost but given the tree law in place and how beautiful the Maryknoll property is, they really wanted to avoid that tree removal. Ms. Maglizzo said they will be providing paper copies and an operation and maintenance plan tomorrow, September 3, 2020, for the Board’s review.

Mr. Chin asked if the Board or any members of the public had any questions or concerns with this project. Ms. Monastra updated the Board that the Notice of Intent to the lead agency was circulated. We did receive information from Westchester County that there was no objections to the Planning Board being lead agency and last night this was also presented at the Town Board meeting, and they actually don't have any objections to the planning board being lead agency as well. Ms. Monastra questioned the level of disturbance described on the plan and some minor items with regard to the EAF but said this is close to getting ready for a public hearing if the Board is so inclined.

Ms. Sharrett expressed appreciation with the underground wiring and commented on continuous maintenance of the trees in place. Ms. Addona said that can be a condition of the site plan, maintenance of screening and trees. Ms. Sharrett said again, this is a really great plan and thanked Ms. Maglizzo and Ecogy Energy for working with Con Edison on the underground installation. Dr. Hougham agreed that this is a good project. Ms. Stevens agreed, Mr. Bossinas and Mr. Chin. Mr. Chin asked the Board for a motion on setting the public hearing for this project.

Ms. Stevens made a motion, seconded by Dr. Hougham and unanimously passed by the Board to **set a public hearing October 7, 2020 for Ecogy Energy New York II LLC, 75 Ryder Road (Maryknoll property) Solar Canopy System.**

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

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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. (R-5 Cluster Subdivision in an R-30 Zone).

The following materials were submitted by the Applicant: Architectural Review application dated August 11, 2020, Material details and photographs received August 11, 2020 and Architectural Drawings by Demasi Architects dated July 22, 2020 and revised August 20, 2020.

Mr. Lou DeMasi, Architect, and Mr. Freddie Polzella were in attendance. Mr. Chin pointed out that the Board had only received one of the latest revisions to the plan earlier in the day today. This is not enough time for the Board and Consultants to provide any type of review. Mr. DeMasi noted that he is aware of the late submission but would like to verbally update the Board. Mr. DeMasi showed the Board the added light fixtures and said they will be low wattage bulbs and on timers. Mr. DeMasi addressed an issue with lining up windows on the side elevation, he moved the windows to line up with an upper bathroom window.

Ms. Monastra noted that the applicant still needs to provide photos of neighboring properties as well as the size, shape and location of existing and proposed construction and its relationship to adjacent structures. Also, a zoning table should be put on the plan to confirm that what is being proposed will meet Zoning and that the applicant does not need to receive variances.

Mr. Ciarcia noted that the grading does have to be adjusted to accommodate the entrance into the basement location. Also some erosion control and storm drains items have to be addressed. Mr. DeMasi said he will coordinate with the Engineer to get the basement elevation and work out the grading.

Dr. Hougham asked the applicant to show the colors proposed again and relationship to adjacent homes on the street. Mr. DeMasi said the siding is going to be a cream color and Andersen windows double hung white. Trim material is going to be white around the windows and doors. The front door is going to be a composite black. The garage doors are going to be composite white and roofing material is asphalt charcoal gray with white aluminum gutters and shutters are composite black. The three homes surrounding this are white and across the street there is one that is a reddish color and another that is sort of a multi-color but in the beige and tan family of colors.

The planting plan was updated adding different types of species to the back and side yards, not all evergreens, per Ms. Sharrett’s recommendation last meeting. There is a small strip of evergreen plantings along the driveway for privacy purposes only. Ms. Sharrett said this was a really good improvement but due to the late submission there wasn’t enough time for a review of the specific tree species but it looks like it will fit in with the rest of the neighborhood.

Mr. Chin asked the Board if they were in agreement to set the public hearing for this October 7, 2020. All Board members agreed.

Mr. Bossinas made a motion, seconded by Ms. Stevens and unanimously passed by the Board to **set a public hearing October 7, 2020 for the Freddie Polzella, 3 Waterview Drive New Single-Family Residence Architectural Review.**

**Keith Broome, 178 Cedar Lane, New Driveway Plan Site Plan Review**

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Keith Broome. (the “Applicant” and “Property Owner”) is seeking Site Plan approval to construct a driveway at 178 Cedar Land Road, Section Block and Lot 80.16-1-5 (“Project Site”). The property is zoned R-1. Due to the nature of the property, the proposed driveway would cross most of the property resulting in 1.2 acres of disturbance. The property is currently undeveloped.

**Keith Broome - Continued**

The following materials were submitted by the Applicant and examined by our office for the preparation of this review: Planning Board application and narrative dated August 19, 2020, Short Environmental Assessment Form dated August 19, 2020, Wetlands Analysis from Tim Miller Associates dated November 1, 2020 and Proposed Road Profile and Site Plan dated January 6, 2020.

Ms. Monastra submitted a review memo dated August 31, 2020 which was provided to the applicant and the Board. Site plan comments are as follows:

- 1) Site Plan. The Applicant is currently only proposing to include a driveway on the property. It is recommended that the Applicant to provide additional information on any proposed or potential residential housing including building footprint and proposed setbacks to ensure the driveway location will allow for a residential housing unit to be constructed that avoids the wetlands and wetland buffer area, as well as meets the zoning requirements for the R-1 district.
- 2) Zoning. Section 176-18(D) states “where practicable, lots shall be so laid out that the driveways have access to that street on which they abut which carries or is intended to carry the lesser amount of traffic. Driveway grades between the street and the setback line shall not exceed 10%”. The proposed road profile has slopes less than 10% from the street to the setback lot line but the proposed driveway profile shows slopes greater than 15%. The Town Planning Board Engineer and Ossining Fire Department should be consulted if the proposed slopes will create a problem with regards to emergency access.
- 3) Steep Slopes and Disturbance. The Project Site contains steep slopes. The Applicant should provide additional information on the amount of excavation and regrading that is required as well as the disturbance area. In addition, an Erosion and Sediment control plan should be submitted for review from the Town Planning Board Engineer.
- 4) Wetlands and Streams. An analysis of the wetlands and streams located on site was provided. The Applicant proposes to avoid the wetlands and wetland buffer areas. The Planning Board may want to consider this as a condition of approval that any future application to construct housing on-site must avoid the wetlands and wetland buffer area. In addition, the Applicant should provide information as to how they propose to cross and protect the stream during and post construction. The proposed culvert size and length should be indicated for the stream crossing.
- 5) Rock Removal. There are numerous rock outcrops identified on the site plan, and based on the proposed location of the driveway, rock removal will be required. Please provide information on the method of rock removal.
- 6) Retaining Walls. The plan indicates retaining walls will be required for the installation of the driveway. Please confirm this and provide additional information on the retaining walls including length, height, and materials.
- 7) Trees. The proposed project will require tree removal. The Applicant should confirm the number, type, and size of trees that will be removed as well as how they anticipate meeting the requirements of Chapter 183, Tree Protection.

Mr. Ciarcia submitted a review memo dated September 2, 2020 which was provided to the applicant and the Board. Mr. Ciarcia’s comments are as follows:

1. The plans presented indicate a proposed residence and should include all of the information required for review by the ARB.
2. Provide a North arrow.
3. Provide the tax identification information for the parcel.
4. Additional information such as tree locations, wetlands, utilities, should be required for future review.
5. A more detailed review will be provided upon receipt of more complete plans.

**Keith Broome – Continued**

Mr. Keith Broome, Applicant, and Mr. Emilio Escaladas, of Escaladas Associates, Architects and Engineers, were in attendance. Mr. Escaladas gave an overview of the plan to the Board. Mr. Escaladas discussed the stream on the property urging that it's really not a stream because there is not full time flow. In his opinion this should not be called a stream but a waterway. He further discussed the pond locations of adjoining properties. Mr. Escaladas said they didn't count the trees for removal, he will work on a detailed tree plan going further.

The intent of the driveway plan was to see what the Board's thoughts and recommendations are and to show the Board the impact of this road, which is the only road that can possibly be placed to service this land. Mr. Escaladas further discussed slopes, cuts, and comments on designing retaining walls. He said the severity of the road is at the very beginning approximately the first 800 feet. The rest of the job from the stream is like most other developments. Mr. Escaladas wanted the board and the reviewers to still understand where it is they want to build the house but most of the features of that house will be designed around the change in geometry of the rocks and driveway outcome. He said they want to build a very green, very environmentally sensitive house, recycle much of the stone, possibly a windmill and provide the Board with setbacks and location.

After a lengthy presentation and discussion by Mr. Escaladas, Ms. Sharrett advised the applicant that the Town wetland law recognizes not just permanent streams, but all watercourses. All waterways are still regulated and need to be addressed under the wetland law. This needs a wetland disturbance permit, in addition to trees and slopes, because it's disturbing an ephemeral stream and the 50 foot buffer on each side of that stream. There is also about 100 trees and the diameter is about 1200 inches combined, by the tree law it could be 600 inches of trees that would have to be replaced or paid into the tree bank. The way the tree law reads that could be up to \$99,000 which is a lot of trees. If this is to move forward, there would have to be the tree inventory with the scientific Latin names to include the species so the Board can know actually what the trees are. A list of the trees that should correspond with the site plan.

Mr. Escaladas said they would be looking to pipe the stream and put the road over it. Dr. Hougham brought up concerns with crossing the wetland and piping it. Dr. Hougham recommended building a bridge so the bottom would be natural, having it connect from one side to the other with a completely natural bottom. Also, the applicant should supply a Google Earth view of the site with the project superimposed on it to present to the Board. At this time Mr. Bossinas asked the applicant if this is only going to be for one house. Mr. Broome said at this time, yes, but does not want to prohibit possible future subdivision. Mr. Broome suggested a site walk with the Board and further explained that the most severe part is the first 567 hundred feet. The rest of it is quite average in terms of its typography and character and also in disturbance. The Board will get a feel for what's there and how they've studied it up to now.

The Board was in agreement to refer the plan to the Environmental Advisory Committee along with any future updates. Ms. Monastra recommended review of her memo items and recommended that the applicant address those items when coming back to the Board. Also, in terms of SEQRA, the applicant should complete a long environmental assessment form.

Mr. Ciarcia said the zoning is R30 which requires less than an acre 30,000 square feet so there has to be enough non-wetlands and non-steep slopes to be compliant. The issue on this application is building the driveway and all of the impacts in doing that, not to mention trying to address the storm water and that's not going to be a simple task. There is going to be a lot of runoff coming off this and there's going to be additional disturbance associated with that. There are going to be impacts developing this lot. The storm water is going to be significant. This is a massive driveway that has cuts and fills and it's going to have to comply with the tree law. The plan doesn't show how many trees are being taken down. Mr. Ciarcia suggested a much more detailed presentation for the Board to review.

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**Keith Broome continued**

Ms. Addona recommended the applicant look at the tree code and look at terms Ms. Sharrett brought up which has come up a couple of times. The applicant may find that based upon the code, the plan is cost prohibitive because it requires that you to replace the trees or pay into a tree bank fund. Ms. Addona urged that the applicant to look at that early on in this process to figure out what is really feasible. Mr. Broome agreed.

**Adjournment**

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A motion was made by Ms. Stevens made a motion, seconded by Mr. Bossinas and it was unanimously passed by the Board **to adjourn the meeting to September 16, 2020.**

Time Noted: 9:45 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: October 7, 2020**