

February 3, 2021

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on February 3, 2021 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/87615131953>

There were present the following members of the Planning Board:

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

Absent: Gareth Hougham, 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

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

The applicants 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.

Mr. Donald Utschig sent an email on February 3, 2021 requesting an adjournment to February 17, 2021. Mr. Chin asked if there was anyone in the audience in attendance for this this Public Hearing. There were no responses.

**Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the Rinaldi Subdivision, 39 Stormytown Road Public Hearing to February 17, 2021.**

**Borrego Solar Systems Inc., St. Augustine Church, 381 N. Highland Avenue, Battery Storage System Site Plan Review PUBLIC HEARING CONTINUED**

Borrego Solar Systems Inc. (the "Applicant") is seeking site plan approval to construct a standalone energy storage system that would be used to supplement power to the local power grid at peak hours, by utilizing New York State's Value of Distributed Energy Resources (VDER) mechanism. The system will be enclosed by a 7 ft. chain link fence and will occupy a total area of 0.22 acres. The system will be unmanned, and a gravel access road will be installed for occasional vehicle access.

Mr. Gregory Gibbons of Borrego Solar sent an email on February 1, 2021 requesting an adjournment to February 17, 2021. Mr. Chin asked if there was anyone in the audience in attendance for this this Public Hearing. There were no responses.

**Ms. Stevens made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn Borrego Solar Battery Storage Systems, 381 N. Highland Avenue Site Plan Review Public Hearing to February 17, 2021.**

**Mark Seiden, 49 Croton Dam Road, Garage Addition & Site Amendment, Architectural Review PUBLIC HEARING CONTINUED**

Mark Seiden (the Applicant and Owner) is seeking Architectural Review Board (ARB) Approval to construct and 290 sq. ft. bar-shed and an addition onto the existing garage consisting of 770 sq. ft. of garage space, 285 sq. ft. of storage and 1,550 sq. ft. of recreation space. The project site is located at 49 Croton Dam Road, Section Block and Lot 89.08-1-79 (Project Site). The property is located in the R-15 residential district.

Ms. Monastra reported Mr. Seiden received a side yard variance from the Zoning Board of Appeals on Monday, January 25, 2021. The Zoning Board voted unanimously in favor of granting the variance as requested.

Mr. Chin asked if Board Members or anyone from the public had any questions or concerns. Ms. Sharrett noted concerns with the rear yard screening. An email letter was submitted to the Planning Board by Mr. Andrew Hazen, 66 Hawkes Avenue, at the last meeting. Ms. Sharrett asked Mr. Seiden if he would consider planting some trees to address this. Mr. Seiden said he didn't address that screening because there are 20 to 25 very tall pines there already and there's a small 10 ft. section that is blocked by a garage structure which is on Mr. Hazen's property. Ms. Sharrett recommended planting a couple of deciduous trees in the back because the tall pines look like they belong to the neighbor. Mr. Seiden said there's also a Red Japanese Maple in the back that provides some buffering but he will consider planting a few trees back there.

There were no further comments or concerns from anyone in the audience. Mr. Chin asked for a motion to close the public hearing and to prepare a resolution of Architectural Review Board Approval.

**Ms. Sharrett made a motion, seconded by Ms. Stevens and unanimously passed by the Board to close the Public Hearing on the application of Mark Seiden, 49 Croton Dam Road Garage Addition & Site Amendment Architectural Review.**

**Ms. Sharrett made a motion, seconded by Ms. Stevens and unanimously passed by the Board to prepare a Resolution of Architectural Review Board Approval for Mark Seiden, 49 Croton Dam Road Garage Addition & Site Amendment, as discussed.**

**Terra Rustica Ristorante, 550 North State Road, Site Plan Amendment**

Terra Rustica Ristorante (the Applicant) is seeking Site Plan amendment to construct a 380 square foot addition to its existing outdoor deck. The existing outdoor deck of 620 square feet received site plan approval from the Planning Board in 1997. The deck will remain open to the outside with no walls. This property received a zoning variance in 1996 for outdoor dining as well as a variance for ten (10) parking spaces which permitted the outdoor deck to accommodate up to 30 tables. The Applicant is applying to the Planning Board to use the expanded outdoor deck area for the same number of tables as approved in the 1996 Zoning Board resolution. The Project Site is located at 550 North State Road, Section Block and Lot 90.15-2-8. The property is located in the GB General Business district.

Mr. Kory Salomone, Applicant's Attorney, and Mr. Lou DeMasi, Architect, were in attendance. Mr. Salomone gave a brief overview of the plan to the Board. Mr. DeMasi presented the architectural rendering and site plan drawing. Mr. DeMasi said this will require a small zoning variance for a front yard setback at one corner of the site.

Ms. Monastra said the applicant should identify any zoning variances that they need. They will need to speak to the Building Inspector because the original zoning variance received in 1996 was working off of a parking ratio of that was, for every three seats, you need one parking space. Since that time, the zoning code has changed. The question of whether or not the current zoning is applicable, or if it is what was in place at that time. This needs to be looked at by John Hamilton to see how he is interpreting this expansion and whether they need to go back to the zoning board for parking, or if they will be able to fall under the existing zoning approval. Mr. Chin asked Board Members if they have any comments or concerns.

### **Terra Rustica Continued**

Mr. Ciarcia said there are no engineering issues except the structural columns shown in the parking area. Mr. Ciarcia recommended something to provide protection to the columns that support the elevated deck structure over parking spaces from vehicles hitting it by accident. Mr. DeMasi said, although not shown, he is going to provide a 16 inch Sonotube around the columns. Mr. Ciarcia said that would be acceptable.

Mr. Bossinas said the project looks very appropriate and is hoping everything goes smoothly for the applicant. Ms. Stevens is in agreement with Mr. Bossinas. Ms. Sharrett said, right now the lights on the building are very visible. She asked the applicant where the lighting is going to be when the roof over this deck area is completed. Mr. DeMasi said the lights are going to be underneath the canopy and they are not planning on any additional lighting. Ms. Sharrett expressed some concern with a taller light pole that looks like a street light near the steps and walkway area. Mr. DeMasi said they can't eliminate that light for safety reasons but can speak to the owner about lowering the intensity of the wattage.

Ms. Sharrett pointed out that the lower level parking lot of this site was a stream at one time. The plan shows a small portion of that stream at the front corner. This should be labeled a Pocantico River tributary. The applicant should revise the Environmental Assessment Form, No. 13. A., to identify the stream on the property and that it is a Pocantico River tributary. Mr. DeMasi said he will make that adjustment. Also, the applicant should consider plantings on the two sides of the property where possible. Ms. Sharrett said the overall plan does look very nice and thanked the applicant for providing copies of the old zoning board record. Mr. DeMasi said he will look at the Town's recommended native plant list as with past projects. Ms. Monastera reminded the applicant to provide architectural review materials. Mr. Chin said the Board looks forward to further review of this when more information is available. Mr. DeMasi thanked the Board.

### **Minutes**

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**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adopt meeting minutes of December 16, 2021, with corrections.**

### **Executive Session and Adjournment**

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**At 8:00 pm a motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to go into executive session and to adjourn the Planning Board meeting to February 17, 2021.**

Time Noted: 8:00 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: February 17, 2021**