

August 18, 2021

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on August 18, 2021 at 7:30 p.m. in person at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference.** Members of the public were able attend in person or view and join the meeting via computer or mobile app as follows:

[us02web.zoom.us827 7346 3554](https://us02web.zoom.us/j/82773463554)

There were present the following members of the Planning Board:

Gareth Hougham, Chairman  
Carolyn Stevens, Member  
Donna Sharrett, Member (2<sup>nd</sup> Floor via Zoom)  
Jesus Lopez, Member (Zoom)

Absent: Jim Bossinas, 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  
Margaret Conn, Secretary

**Rinaldi Subdivision, 39 Stormytown Road, 9-Lot Subdivision Final Subdivision Review PUBLIC HEARING CONTINUED**

Chocolate Sky (the “Applicant” and “Owner”) are seeking Final Subdivision Plat Approval to subdivide the subject property into nine (9) building lots and to construct a Town road to provide access to seven of the nine (9) lots. Lots #1 and #3 are proposed to have direct access to Stormytown Road via existing driveways. The subdivision is entitled “Stormytown Road Subdivision Property” (the Project) and is located at 39 Stormytown Road, Section 89.07, Block 3, Lot 62 on the Town of Ossining tax maps (the "Site"). The Site is 6.68 acres in size and is zoned R-20 One-Family Residence District. The Project received Preliminary Site Plan Approval on October 2, 2019 for a ten (10) lot subdivision.

Mr. Mike Finan from Langan Engineering was in attendance via zoom for Mr. Utschig. Ms. Monastra submitted and reviewed with the Board a memo dated August 16, 2021. Copies were given to the applicant prior to the meeting. An updated subdivision plat was submitted, and the Applicant has responded to most of the previous comments. Outstanding items are noted below:

Landscape Plan: A revised Planting Plan (LP101) has been provided, and the Applicant is proposing additional varieties of plantings that meet the Planning Board’s Landscaping Best Practices. Based upon the information provided in the Tree Removals Table (CP101), the Planting Plan meets the requirements of Chapter 183, Trees. The warranty period for the proposed plantings has been increased from one to two years. A note has been added to the planting details to ensure the removal of the “tree of heaven” is done carefully and during a specific period of time. A note has been added to the planting details to permit the site contractor to harvest quality trees for lumber. A note has been added to the planting details that vines on trees to remain will be cut at the base. The Applicant notes that they did not modify the tree planting detail because the nurseries will not warrant trees that have the burlap sack and wire meshing removed. The Planning Board may want to consider having as a condition of approval that the final planting notes and details be reviewed by an arborist or someone with similar technical expertise.

Dedication to the Town of the new road and stormwater system: The Applicant proposes to dedicate the new road and its stormwater system to the Town. The Town Board will be considering the proposed dedications at its August 31, 2021, Town Board meeting. Based on the Town Board’s decision, roadway and stormwater easements and maintenance agreements can be finalized.

**Rinaldi Subdivision Continued**

Conditions for Final Subdivision Approval, it is recommended that the Planning Board consider the following conditions of Subdivision Approval:

The Applicant agrees to pay a recreation fee as required by the Town of Ossining.

The Planning Board issues a waiver per Section 176-21 of the Subdivision Regulations for the sidewalks and street lighting requirements along the proposed new road because the Applicant proposes installing sidewalks along Stormytown Road. The Applicant is not proposing to include street lighting.

The Applicant receives approval from the Westchester County Department of Health for the proposed water supply and sewage disposal facilities.

Mr. Finan expressed understanding of the landscaping conditions, however, his landscape architect said if they remove the baskets from the trees, this negates the warranty they receive from the nursery. Also, he discussed the issue of dedicating the road for Town acceptance or building a private road if that is the preferred option.

Ms. Monastra reported that at the August 31, 2021 Town Board Meeting, the Town Board will be discussing the dedication of the new road as well as the stormwater system for this project. Once that is finalized the Board will have information for the applicant on any stormwater easement agreements or maintenance agreement that will be required. There are still some outstanding plant and landscaping comments that have to be reviewed. Ms. Zalantis noted that the Town Board needs to weigh in on the stormwater issue and the road dedication issue before the Planning Board can close the public hearing. Mr. Finan noted that it is the applicant's position that this be a Town dedicated road. He said they are okay with either option as far as the road goes public or private. Mr. Finan said they are asking for the road description information on the final resolution as a condition, then it can be put on the plat later on. Ms. Monastra said a draft resolution can be prepared for review purposes by the next meeting, with the direction of the Board.

The stormwater maintenance can be private. This can be handled by a homeowners' association (HOA). Ms. Zalantis said if the Town Board accepts this as public then the Planning Board can act on this. If the Town doesn't accept it, the Planning Board will need to see details such as easements and maintenance agreements. Mr. Ciarcia said this condition and information relating to the handling of these items would need to be put on the plat.

After some discussion with respect to the road and stormwater plan, the Board recommended waiting until after the Town Board's input which would bring this back to the September 1, 2021 meeting of the Planning Board.

Dr. Hougham noted that the landscape ecologist from Nelson, Pope, Voorhis will be doing an assessment of the landscape plan. Ms. Monastra said this will be worked out and sent to the applicant by September 1<sup>st</sup>. Ms. Sharrett noted there is no deer protection on the planting plan and the choice of Gingko trees all around the houses doesn't seem to fit in as native. The Northern Catalpa, Black Gum, Shagbark Hickory are being removed and not replaced or proposed. It seems like the applicant is using a 1950's street scape trees, like the Gingko. Ms. Sharrett suggested switching that out for some of the types being removed.

Dr. Hougham acknowledged receipt of a letter dated August 18, 2021 from a Town resident, Jim Gurski, Hawkes Avenue. Dr. Hougham read it into the record as follows:

*I was wondering if there is room to leave more of the existing trees. I understand that it isn't as convenient to leave and work around trees but the Environmental attributes would out way the temporary inconvenience. I noticed that you are planning on replanting trees but it will take many years before they reach the size of the trees being taken down. My house sits between St. Augustine cemetery and Dale cemetery, not only would the gap in the greenery be notice able but the effect on the wildlife would be extreme. Allowing more trees and shrub cover to remain would lessen that impact. In this period of profound climate change it seems that not taking action to preserve as many trees and greenery as possible is harmful to everyone. I realize the economic downfall in labor and sale of lumber and dirt. But by not removing those trees you will save on the planting and restoring the area at the end of the project.  
Thank you for your time.  
Sincerely, Jim Gurski*

**Rinaldi Subdivision**

In response to Mr. Gurski's letter, Mr. Finan said the plan minimizes, as best they can, the number of trees being removed. They are trying to limit as much clearing and grading as they can. They recognize the effect this has on neighbors and others. They are submitting planting plan which over time will become a beautiful part of the landscape. The Board will forward comments to the Town's Landscape Ecologist to incorporate this into the memo.

Ms. Sharrett added that the planting plan looks like it would be a good plan but only if the trees that are planted actually become mature trees at some point. That requires they be maintained for several years and not planted in a cage. This is why Ms. Sharrett has been pushing so hard on this issue, to make sure these trees make it to a mature age. The planting plan, should the plants make it, looks like it would be a good plan, minus the Gingko. Dr. Hougham asked that they do all they can to make sure the trees grow robustly and consider removal of the wire entirely. This will be reviewed by the landscape ecologist.

Dr. Hougham asked for further comments from the Board and/or the Public. There were none.

**A motion was made by Ms. Stevens seconded by Ms. Sharrett and it was unanimously passed by the Board to adjourn the Rinaldi Subdivision, 39 Stormytown Road 9-Lot Subdivision Public Hearing to September 1, 2021.**

**Shriram Kasinathan, Kasinathan Int'l. Group, 540 North State Road, Site Plan Amendment PUBLIC HEARING**

Mr. Shriram Kasinathan (the "Applicant" and "owner") is seeking a site plan amendment to make minor changes to the layout of the parking lot. The property is 0.471 acres in area and located at 540 North State Road, Section Block and Lot 90.15.2.11 ("Project Site"). The project site is zoned General Business (GB). Revised plans submitted by the applicant are as follows: Application Materials dated June 12, 2021 prepared by Charles P. May and Associates, PC and Letter from Ecological Solutions dated June 28, 2021.

Mr. Shriram Kasinathan and Ms. Debra Walker, Kasinathan Int'l Group, were in attendance via Zoom. Design Professionals, Mr. Clayton Livingston and Mr. Charles May, Project Engineer, Landscape Architects and Traffic Analyst were present in person. Mr. Livingston addressed Planning and Engineering comments. He noted they are in compliance with ADA Requirements and parking. As far as curb cuts, they are requesting the entrance from North State Road be reduced to 12 feet to discourage people from exiting from the entrance. The traffic pattern is to enter the driveway from North State one-way and exit onto Ryder Avenue turning right to access North State Road. This provides safe access from North State Road and safe exit when leaving the site. This is the existing traffic pattern of the site currently. Ms. Monastra noted the original site plan for this site was approved for an entryway of 18 feet which is already less than the 20 foot requirement of the code. If the applicant would like to reduce it further, they would require a zoning variance.

Mr. Livingston said they are okay with staying with 18 feet. The idea was trying to make it safer, but if that requires a variance they will stick with the original approved plan. They are providing signs for the traffic pattern entrance and exit and painting arrows on the pavement for that same purpose. Mr. Ciarcia suggested mountable curbs as a possibility. If they would like to seek a variance they should determine a number and put that width on the plan. Mr. Livingston noted they can put the signs four feet back which still leaves it in the 18 foot range. Mr. May said he will put a turning template on the plan per Mr. Ciarcia's suggestion. After some discussion with regard to a Zoning variance, it was recommended that the applicant first go to the Zoning Board and return to Planning Board when and if a variance is received.

Ms. Monastra noted the applicant will also need to apply for a wetland permit. The applicant addressed comments from Mr. Ciarcia. The plan did not show a north arrow on some pages. They need to provide a watershed map. Mr. Ciarcia discussed the treatment system and necessary changes to that. This will be further reviewed with the applicant. Mr. May will work out these details with Mr. Ciarcia. A question was raised regarding a rear stairwell. Mr. Livingston said the stairs at the rear are mainly for maintenance of the furnace room. Egress exit is on the other side of the back of the building and there are wide stairs for that. Dr. Hougham asked about the stairs that look like they terminate in forebay #8. Mr. May said yes, it is a stone pocket that feels natural enough to walk on. Also, Mr. Livingston said this is not going to be filled with water except in a huge storm, the wet vault can hold up to 3,000 gallons of water.

**Kasinathan Continued**

Dr. Hougham asked what type of storm would it take to fill the tank. Mr. Livingston said, a 1 year 24 hour storm. This particular tank is for water quality, it does not function to attenuate flow. It is for water quality only.

Ms. Sharrett asked the applicant if there are examples of what the signs would look like. Also, what is proposed to make the fence more attractive. Ms. Sharrett raised concerns with the planting plan notes. Ms. Sharrett asked about the removal of peat moss and removal of burlap discussed previously. The applicant's agreed they meant to remove that. Ms. Sharrett said it is her opinion that having grass in such a small area is not preferred when you can use mulch which is less high maintenance. Mr. Livingston said the grass area is really necessary and easier to maintain for cleaning debris from the road and landscape purposes. Ms. Sharrett suggested changing out the Ginkgo trees and the Forsythia for something that fits in more with the street scape. Dr. Hougham suggested the applicant come back with more varieties or mixed combinations of trees and plants that fit into their needs for location. Also, Dr. Hougham recommended split rail fence with some wire. Mr. Livingston noted they put the chain link fence up for safety purposes. Ms. Stevens recommended possibly painting it black since it is already existing. Ms. Sharrett noted a wood fence would be more attractive and this abuts a residential neighborhood. Mr. Livingston said the purpose of their fencing is to protect children and pets from falling over the wall to a 10 foot drop. If they use wood it has to be a 6 foot stockade style fence. Mr. Livingston said he will work on some type of a wood option. Dr. Hougham asked the applicant to provide a sample of the signs and sign detail. Dr. Hougham asked if there was anyone from the public to speak on this matter. There were none.

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the public hearing for Kasinathan, 540 North State Road Site Plan Amendment to September 1, 2021.**

**Armstrong Plumbing & Heating, 593 North State Road, Site Plan Amendment**

Armstrong Plumbing (the "Applicant") is seeking Site Plan amendment of its parking lot due to a discovered Town of Ossining utility easement ("Project"). The Project will be located at 593 North State Road, Section, Block, and Lot 90.11-1-36 ("Project Site"). The Project Site is located in a GB, General Business district.

Mr. Thomas Kerrigan, Site Design Consultants appeared on zoom. Mr. Kerrigan noted most of the changes to the plan are basically the same. Instead of pavement they are not going to disturb the parking lot area and propose gravel or item 4 instead. They are currently looking to put in a water main for the water main easement discovered on the property. The proposed retaining wall on the original plan will not be built, this area will be graded out. They will connect to an already in place stormwater chamber which is the same as the original plan. Mr. Kerrigan said they haven't prepared all of the documents, these will be submitted at the next meeting. The applicant is looking to get an amended site plan approval for these changes. The main reason for the changes are the installation of the water main. Dr. Hougham reminded Mr. Kerrigan that the last time they were before the Board there was discussion about the need for a lot of screening. Mr. Kerrigan said this is not shown here but it will be reflected on the new submission which will include a landscaping plan and all necessary tree plantings that they are putting in. Dr. Hougham recommended because this is one of the first properties visible on North State Road to keep esthetics in mind. The Town would like this to look really nice from the road. Currently, there's a lot of work being done to try and make North State Road more appealing and Dr. Hougham asked the applicant to make that a prime consideration. Mr. Kerrigan thanked the Board and said he will be submitting complete details for the next meeting.

**Capasso, 34 McCarthy Drive, New Single-Family Residence, Architectural Review**

Mr. David Capasso, Mrs. Rosemarie Capasso and their Architect, Mr. William Simeoforides, were present on Zoom. The applicants are seeking Architectural Review Board (ARB) approval to construct a new single family house. The property is located at 34 McCarthy Drive, Section, Block and Lot 80.19-2-58. The property is located within an R-20, One-Family Residence District.

### **Capasso Continued**

Mr. Simeoforides presented plans to the Board. They are proposing a new two-story single-family home near the end of McCarthy Drive on a corner lot. The road is currently under construction to become a Town Road. The applicant's received a variance for an undersized lot in November of 2020. Mr. Simeoforides described layout details of the proposed residence and showed views of front, side and rear elevations. Roof will be an architectural series style shingles, black shutters, natural stone veneer on the front porch and fire place chimney with a blue Hardie Board siding.

Ms. Monastra submitted a memo dated August 13, 2021 which was submitted to the Board and the applicant earlier in the week. The following information is needed to continue the technical review of this application:

1. Samples of materials, treatments, finishes, and the color palette for painted surfaces
2. Relationship to neighboring properties and structures
3. Location of plantings, including planting list
4. Location of any screening devices, walls, and fences, as well as the proposed height and construction materials
5. Lighting plan
6. A completed zoning table
7. Existing and proposed topography at two-foot contour intervals
8. Identification of all existing trees regulated under Chapter 183, Trees, and all proposed tree removal.

Mr. Ciarcia submitted comments for review dated August 18, 2021. Provide a grading and utility plan for review. Prepare a stormwater pollution prevention plan for the project including erosion control measures for post construction and stormwater practices and third, will the improvements to the road be required to provide safe access to the proposed residence. This portion of McCarthy Drive was not improved until recent to become a Town Road.

Mr. Capasso expressed concern with requirements outlined in the memos and said this information wasn't provided. Ms. Zalantis clarified that it's the applicant's responsibility to know what is required under the code and a full, complete submission, was not submitted to the Town. The code specifies what needs to be submitted and in this case, it was not complete. Ms. Zalantis noted that the memos provided outline to the applicant items that were deficient in their application. Dr. Hougham recommended the applicant review the Architectural Review Board Chapter in the Town Code along with information provided tonight. Dr. Hougham asked that they be patient with the process as it takes a couple of meetings. Also, the Board is very mindful of every applicant's time and cost. The applicants agreed to submit more information for the September 1, 2021 meeting.

### **Minutes**

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**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adopt the Planning Board Meeting Minutes of July 21, 2021.**

### **Adjournment**

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**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and it was unanimously passed by the Board to go into executive session to hear advice of Counsel and to adjourn the Planning Board meeting immediately following to September 1, 2021.**

Time Ended: 9:50 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: October 20, 2021**