

September 1, 2021

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on September 1, 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:

<https://us02web.zoom.us/j/89740713092>

There were present the following members of the Planning Board:

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

Absent: Jesus Lopez

Also Present: Kathy Zalantis, Attorney, Silverberg, Zalantis LLP (Zoom)  
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.

Dr. Hougham acknowledged receipt of two letters from the public. A letter received from Cathy Sciotto, Resident from Stormytown Road dated August 31, 2021 expressing concerns with the number of trees being removed for this development was on file copies were given to the applicant and the Board. A letter from Sarah Seigel, Resident from Stormytown Road, dated September 1, 2021 urging protection of the existing habitat and considerations on climate change, on file and submitted to the applicant and the Board.

Mr. Chuck Utschig from Langan Engineering was in attendance in person. Mr. Utschig attended Town Board Meeting August 31, 2021 to present the option of making this a Town dedicated road. The Town Board will review and asked Mr. Utschig to return September 14, 2021. Mr. Utschig their landscape architect from Langan Engineering responded to Nelson Pope Voorhis, ecologist memo dated August 30, 2021 regarding comments and landscaping notes. Mr. Utschig provided responses in writing, however, these were received very late in the evening on September 1, 2021. Comments were copied and submitted to the Board. Mr. Utschig asked the Board if they would consider closing the public hearing.

Ms. Monastra submitted and reviewed with the Board a draft resolution and can incorporate any decision that the Town Board makes with respect to the roadway into the Resolution. Mr. Ciarcia did not have any additional comments or concerns with the plan. Mr. Utschig said they are currently working with Mr. Ciarcia to get information for their plan to go to the health department.

Ms. Sharrett asked the applicant to provide tree protection from deer rub and to understand that invasive tree removal is not only for vines but trees as well. She asked if the plan would follow strict direction on the removal of Tree of Heaven. Mr. Utschig said they will take care of the deer issue if it occurs but will not agree to do this on every tree.

**Rinaldi Subdivision Continued**

Mr. Utschig agreed to follow Prism guidelines for the Tree of Heaven. Also, with respect to comment letters received from the public this evening, Ms. Sharrett asked if Mr. Utschig would consider saving four more trees. Ms. Sharrett noted which trees by number on the plan and since they were at the edge of property so it would be possible to leave them. Mr. Utschig agreed to save the four more trees as specified.

Dr. Hougham asked if the applicant is agreeable to a three-year maintenance plan. The plans reflect two years. After some discussion, Mr. Utschig agreed to change the plans to a three-year maintenance plan and will update the plan to show this.

Dr. Hougham asked for any further comments from the Board and/or anyone on zoom in attendance from the Public. There were none. Dr. Hougham asked the Board for a motion to adjourn the public hearing to October 6, 2021.

**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 October 6, 2021.**

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

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 planting, signage and fencing. The applicant is not going to reduce the entrance and exit driveway. This will remain at 18 feet as on the original approved plan for this site. This latest submission was on file and submitted to the Board. Mr. Livingston asked if the proposed signage and plantings were acceptable to the Board. Mr. Livingston provided options for fencing for the Board to review. Ms. Sharrett asked for clarification on if the applicant will be screening the garbage receptacle with the proposed fencing. Mr. Livingston said they will. The applicant would like to use the Dog Ear picket style fencing. The Board was in agreement with this. Mr. Bossinas reminded the applicant to put all the information on the final plan. Mr. May asked if Mr. Ciarcia is in agreement with engineering items. The final approval will be subject to Mr. Ciarcia's approval. Mr. Livingston and Mr. May urged that they are under certain time constraints with respect to parking their vehicles in neighboring properties and landscaping purchases. They asked if the Board would consider approval this evening since the next meeting is October 6, 2021. The Board was in agreement and would have staff prepare a Resolution of Approval outlining these specific conditions. The applicants said they will update the plan.

Dr. Hougham asked if there was anyone from the public on Zoom or in person to comment on this project. There were none. Dr. Hougham asked for a motion to close the public hearing and to approve the application contingent upon the changes discussed tonight regarding planting, fencing, signage and Mr. Ciarcia's final approval for the stormwater management plan.

**A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed to close the public hearing for Kasinathan, 540 North State Road, Site Plan Amendment Approval.**

**A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to Approve the Kasinathan, 540 North State Road Site Plan Amendment as discussed above, contingent upon planting, fencing, signage and final stormwater management plan acceptance.**

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

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Mr. David Capasso, Mrs. Rosemarie Capasso and their Architect, Mr. William Simeoforides, were in attendance 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.

Mr. Ciarcia submitted and reviewed a memo dated September 1, 2021. The applicant should provide calculation for the design of the stormwater infiltrators, provide data on soil testing in the location of the infiltrators and provide a detail for the proposed footing drain connection and obtain approval from the Highway Superintendent for the proposed location.

Ms. Monastra noted the applicant has returned with a more complete application for the Board to review. Mr. Simeoforides gave a brief overview of the plan. The roof will be an architectural series style shingles, black shutters, natural stone veneer on the front porch and fire place chimney with blue Hardie Board siding. Mr. Simeoforides provided updates as requested at the last meeting of the Board. This version of the plan provided lighting and tree/landscape plan. However, because the applicant has identified 10 trees for removal, Ms. Monastra pointed out that removal of 10 or more trees is considered clear cutting according to the Town's tree protection law, Chapter 183. This would also have to be referred to the Environmental Advisory Committee for review and the applicant would have to pay into the tree bank fund for the level of removal shown.

Dr. Hougham asked the applicant if they would consider saving a 40 inch Maple on site and have a tree expert identify the species of trees in Latin genus names, especially the Maples which can be tricky. Invasive species don't count toward the tree fund. This is why identifying the trees could be beneficial to the applicant. Mr. Capasso thanked Dr. Hougham but said he would like to have a back yard where they would be able to play ball and other activities with their children.

After some discussion where the Board recommended saving as many trees as possible, Dr. Hougham said the applicant would need to put a fence in along the property line at the back where removals would be. Ms. Monastra reiterated that removal of 10 trees is considered clear cutting which requires a permit and review from the Planning Board and EAC. Less than 10 will fall under a regular tree removal permit with the Building Department where the Town's Tree Warden reviews and approves or denies removal of certain trees. Mr. Bossinas recommended looking at the perimeter and consider leaving a few around the edges of the property. Ms. Sharrett recommended saving 7 of the 10 trees. Mr. Capasso reviewed his plan and discussed with the Board trees they can save, but he feels all of the trees are in poor health around the edge of property. Mr. Capasso said he would rather put up the fence and plant new trees. Ms. Sharrett pointed out the 40 inch maple is not a Norway maple.

Dr. Hougham asked Mr. Capasso to return to the Board with a landscape and screening plan. The tree permit portion of the plan can be done through the Building Department if they choose to reduce the number of trees to be removed. Mr. Capasso said they are going to try to get it under the 10 but would like some idea from the Board of what is acceptable type of screening for landscaping. Ms. Sharrett noted there should be some trees to offer screening for their neighbors. Dr. Hougham asked if the Board can do a site walk of the property to get a better idea of the screening and trees. Mr. Capasso said yes, a site walk would be fine. Mr. Bossinas said the applicant should propose what they are comfortable with doing with regard to any fencing. Mr. Simeoforides said it is going to be a combination of fence and trees, but reminded the Board, this is a corner lot so they can't put a fence on two sides because there are two front yards and a fence is not going to be enough. Mr. Simeoforides agreed to put something together in the way of adding more trees. Ms. Sharrett raised concern with multiple lights shown up the walkway. Mr. Simeoforides said they are spaced five feet apart. Ms. Sharrett asked if they could reduce this and hopefully point all lighting downward facing.

Dr. Hougham asked for a motion to set a public hearing for this application.

**A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to set a public hearing for Capasso, 34 McCarthy Drive, New Single-Family Residence Architectural Review October 6, 2021.**

September 1, 2021

**Adjournment**

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**A motion was made by Ms. Stevens, seconded by Mr. Bossinas 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 October 6, 2021.**

Time Ended 9:55 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: October 20, 2021**