

September 21, 2022

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on September 21, 2022 at 7:30 p.m. at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference.** Members of the public were able to attend in person or view and/or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/83904555440>

There were present the following members of the Planning Board:

Carolyn Stevens, Chair
Jim Bossinas, Member
Donna Sharrett, Member
Manny Enriquez, Member

Absent: Jason Mencher, Member

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 (Zoom)

Picucci Subdivision, 51 Croton Dam Road, New Single-Family Residence Architectural Review PUBLIC HEARING New

Mr. Mark Picucci (“Applicant”) is seeking Architectural Review Board Approval for a Proposed New Single-Family Residence on a newly subdivided lot. The Project will be located at 51 Croton Dam Road, Section, Block, and Lot 89.08-1-78.1 (“Project Site”). The Project Site is located in an R-15, One Family Residence zoning district.

Mr. Picucci, Applicant was in attendance (in person), Mr. Ed Gemmola, Architect was in attendance via Zoom. Copies of Architectural Review materials and Plans received September 13, 2022 were on file. Mr. Picucci presented color renderings, samples of roof and siding materials, landscape plan and a copy of a rain garden plan for the proposed home to the Audience and the Board. The site is currently an open field. Existing trees will all remain. The landscape plan proposes additional plants and trees around the new home. Mr. Picucci noted that usually when he builds a home he likes to add additional plants at completion in addition to what is shown on the plan. The proposed lighting is low Kelvin and he agreed to use the dark sky compliant lighting on the exterior.

Ms. Sharrett expressed concerns with the proposed rain garden. She urged that using a leaf blower and planting grass that will be mowed in the areas in between plants is not recommended. Mr. Ciarcia noted that the applicant has modeled the rain garden for a 100-year storm peak attenuation to get water quality for most storms. The 100-year storm is approximately 9.5 inches. Ms. Monastra noted that NPV Landscape Ecologist will look at the rain garden specifications and maintenance of this will be incorporated into the Resolution of Approval.

Ms. Stevens opened the public hearing to the Audience and the Board. Mr. Mark Seiden of 49 Croton Dam Road, neighbor, said Mr. Picucci is a high quality contractor who does phenomenal work. Even though he will be living next to the project during the construction phase, he knows that it will be a great project. There were no further comments or concerns from anyone in the Audience or the Board.

Ms. Sharrett made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to continue the Picucci Subdivision, 51 Croton Dam Road New Single-Family Residence Architectural Review public hearing to October 19, 2022.

Ms. Sharrett made a motion seconded by Mr. Enriquez and unanimously passed by the Board to direct staff to prepare a Resolution of Architectural Review Board Approval for the Picucci Subdivision, 51 Croton Dam Road New Single-Family Residence Architectural Review.

Picucci Subdivision & ARB Continued:

A motion was made by Ms. Sharrett, seconded by Mr. Bossinas and unanimously passed by the Board to adopt the Resolution of Subdivision Approval for the Picucci Subdivision, 51 Croton Dam Road 1 Lot Subdivision, as amended.

Rose Lodge, LLC, 83 Somerstown Road, Wetlands, Fill & Grade Permits, PUBLIC HEARING Continued

The applicant is requesting a Wetlands Permit and Filling & Grading Permit in order to restore certain wetlands that were previously disturbed on the property. Original plans dated November 22, 2021 were prepared in response to the Order to Remedy dated October 12, 2021. The applicant requested permits in order to construct a .46 acre sandy beach within the property. The applicant has now revised the application and now proposes to restore the prior disturbance to its original condition.

Mr. Taylor Palmer, Cuddy & Feder LLP, in person and Mr. Duncan Simpson, PE, Princeton Hydro, on zoom were present. Mr. Palmer gave a brief update of the project to the Audience and the Board. Mr. Palmer said they are completely trying to restore the site to its original condition and they are following Mr. Steve Coleman's comments and suggestions in his memo provided at the last meeting. Mr. Palmer said Mr. Coleman seems to be satisfied as they are doing over and above what would be required. Ms. Sharrett asked why they have reduced the buffer area from 15 feet down to 10 feet and what are the remaining sand piles going to be used for. Mr. Palmer noted that Mr. Coleman said 15 feet is not necessary because this is much wider than the disturbance area. Also, Ms. Sharrett asked the applicant to reiterate to the property owners not to use lawn chemicals in the entire buffer area. Mr. Palmer agreed and said he doesn't believe they use chemicals at any of their properties and especially this one because of the waterbody. Also, the remaining sand piles may be used for other areas on site but it will be taken out of the buffer so there is no concerns there. It is usable material.

Ms. Monastra reported that the applicant is working with Mr. Coleman. They are making revisions which were not available for this meeting. The Board can recommend preparation of a resolution. Part two of their Short Environmental Assessment Form (SEAF) was provided for the Board's consideration. The Board has determined that the proposed project will have no significant adverse impact on the environment because the proposed action will be undertaken to address a violation of the Town's wetland regulation and does improve the existing wetland area.

A motion was made by Ms. Sharrett, seconded by Mr. Bossinas and unanimously passed to issue a Negative Declaration under State Environmental Quality Review Act (SEQRA) for Rose Lodge, LLC, 83 Somerstown Road, Wetlands, Fill & Grade Permits.

Ms. Monastra noted that the Board could consider a draft resolution. Two conditions to be incorporated are that no chemicals are to be used in the wetland buffer area and sand stockpiles are to be removed from the buffer area.

A motion was made by Mr. Bossinas, seconded by Ms. Sharrett and unanimously passed by the Board to direct staff to prepare a draft resolution of approval for Rose Lodge, LLC, 83 Somerstown Road, Wetlands, Fill & Grade Permits.

Ms. Stevens asked if there were further comments or concerns from anyone in the virtual audience or in attendance. There were none.

A motion was made by Ms. Sharrett, seconded by Mr. Bossinas and unanimously passed to continue the Public Hearing for Rose Lodge, LLC, 83 Somerstown Road, Wetlands, Fill & Grade Permits to October 19, 2022.

Terra Rustica Ristorante, 550 North State Road, Site Plan Amendment PUBLIC HEARING New

Mr. Kory Salomone of Zarin & Steinmetz LLP, was in attendance on Zoom. Application materials and plans titled, New Veranda for 550 N. State Road, Briarcliff Manor, NY dated July 21, 2022 were on file. Mr. Salomone gave a brief overview of the proposed amendments to the site. The applicant is proposing enclose the existing covered porch with clear tempered glass.

Ms. Monastra reported that the Building Inspector, Mr. Hamilton, sent a memo to the Board which noted the enclosure of the porch to make it a three season room is not different from its current use and was advised there will be no heat installed. This will only allow the use of the porch in the same manner as it would be in its' current situation. Since there will be no change in its use, the building department does not feel the application needs to go back to the zoning board. This position may change if in the future it is requested to install heating equipment for year round use.

The applicant confirmed that this would not be a heated space. The purpose of the glass is to add a few more weeks in early spring and then again in the fall of being able to close the windows but they will not provide heat in that area.

Ms. Sharrett asked why no additional parking is required as a result of the outdoor seating. Ms. Monastra noted that there was a discussion with Mr. Hamilton regarding a reduction of indoor seating to accommodate that. Mr. Salomone noted that they are required to have 65 spaces. In 1997 a variance was granted for 10 spaces. They are legal with the amount of spaces they have as long as they don't increase the seat count as was a condition of their prior site plan approval and they understand that they are limited to thirty seats on the veranda. Ms. Sharrett asked Mr. Salomone if there are less seats inside because there is definitely more than thirty seats on the veranda and there's parking on the grass area and across the street on weekends and busy evenings. Mr. Salomone said they have not increased their seat count in the restaurant at all. Ms. Monastra suggested that the Board ask the applicant to provide a parking analysis. Mr. Salomone noted that if the Board looks at their site plan, there is already a zoning analysis for how many parking spaces are required. In 1997 it was 65 and there was a variance granted for 10 spaces. Mr. Salomone also confirmed that there was a bike rack added to the lower parking lot as part of their previous site plan approval.

Ms. Stevens noted that she was recently at the restaurant and there were a great number of tables outside, however, there was only one table of people inside, so it is understandable why they would want the outdoor space. Mr. Enriquez is in favor of looking at a parking study, on regular days and peak days. Ms. Stevens asked Mr. Salomone if they would be willing to provide a parking analysis to the Board. After some discussion regarding the current parking conditions, Ms. Monastra noted that she can send Mr. Salomone a memo outlining what the Board would like to see. Mr. Salomone agreed.

A motion was made by Ms. Sharrett, seconded by Mr. Enriquez and unanimously passed by the Board to continue the public hearing for Terra Rustica Ristorante, 550 North State Road, Site Plan Amendment October 19, 2022.

Miscellaneous

Rinaldi Subdivision, Chocolate Sky LLC, 39 Stormytown Road: Mr. Justin Macalintal from Langan Engineering was present. A letter submitted September 7, 2022 from the applicant requesting an additional 90-day extension of time to complete resolution items. Mr. Macalintal noted that they have been working very diligently with the various Town Departments and staff to obtain the necessary signed forms, letters, etc. required to complete the permitting process with Westchester County Department of Health and to resolve other conditions of their approval. They are requesting consideration of a 90-day extension of time.

A motion was made by Mr. Bossinas, seconded by Ms. Sharrett and unanimously passed by the Board to grant an additional 90-day extension of time to complete resolution items for the Rinaldi Subdivision, Chocolate Sky LLC, 39 Stormytown Road Resolution of Subdivision Approval.

Minutes

Not available at this time.

Adjournment

A motion was made by Ms. Sharrett, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the Planning Board meeting to October 19, 2022.

Time Noted: 8:30 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: October 19, 2022