

October 3, 2018

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 3rd day of October 2018. There were present the following members of the Planning Board:

Ching Wah Chin, Chair
Gareth Hougham, Member
Jim Bossinas, Member
Marc Hoeflich, Member

Absent: Greg McWilliams, Vice Chair

Also Present: David Stolman, Frederick P. Clark Associates, Inc.
Katherine Zalantis, Attorney, Silverberg, Zalantis LLP
Daniel Ciarcia, PE, Consulting Town Engineer
Stephen Coleman, Environmental Consultant
Sandy Anelli, Secretary

Executive Session

A motion was made by Mr. Hoeflich, seconded by Mr. Bossinas and unanimously passed to enter into executive session of the Planning Board at 7:32 p.m.

A motion was made by Mr. Hoeflich, seconded by Mr. Bossinas and unanimously passed to reopen the meeting at 7:51 p.m.

Rayford Deverne & Sons, 52-1 & 52-3 Old Albany Post Road, New Homes, Architectural Review, PUBLIC HEARING CONTINUED

Mr. John Fussell, Applicant, and Mr. Mathew A. Noviello, Attorney were in attendance. Mr. Fussell passed out a photo copy of a retaining wall sample. Mr. Ciarcia submitted a memo dated October 3, 2018 offering comments and recommendations. Mr. Noviello noted that since the last meeting they have corrected some elevation errors and included some engineering details per Mr. Ciarcia's recommendations. Mr. Stolman asked Mr. Noviello to clarify the distance between the back of the homes to the retaining walls for both homes. Mr. Noviello said this is 9 feet. Mr. Noviello went on to discuss retaining walls, he said the front wall by the road will be natural stone. The rear and side walls would be some type of face cut stone or stone veneer over ledge rock, if ledge rock is available. If no ledge rock is available, they will use footings to build the walls. There were no samples or submissions and or photos of the walls being described for architectural review purposes. Mr. Noviello said the walls look similar to the Croton Dam and showed the Board a picture on his phone.

Mr. Hoeflich said, based on what is shown on the previous plan, the property will look like an alleyway. The three walls and will be architecturally displeasing. Dr. Hougham expressed similar concerns and what the walls may look like to the neighboring properties. Mr. Bossinas noted that you will see these walls from the road as well as from the neighboring properties. Mr. Noviello disagreed with the Board, he noted that it is a difficult site. This is the only way to offer a driveway and off street parking. Mr. Chin asked the applicant if they are making a commitment to the wall on the copy that was passed out Board earlier. Mr. Noviello didn't commit to this.

Mr. Stolman asked the applicant to submit a specification sheet for the walls, showing color, size, and other relevant information. Mr. Stolman and Mr. Bossinas urged the applicant to provide some type of documentation. Mr. Chin also asked the applicant to provide a submission in advance of the next meeting so the Board has something to look at and/or approve or disapprove. Mr. Hoeflich also requested details on the North and South retaining walls. Dr. Hougham, in speaking to the neighbor to the lot (Mr. Rizzi), asked if the applicant if they could leave a row of trees that exist on the property. Mr. Noviello said they would be happy to move these trees to the neighbor's property but wouldn't commit to keeping the trees. Dr. Hougham asked the applicant to recommit to a previous statement that they would use natural stone in the front of the house and up the driveway walls on both sides. He also asked them to provide elevations of all four sides of both lots and a three dimensional rendering of lot three that shows all retaining walls as well. Mr. Noviello and Mr. Fussell were advised of the next submission date of October 9, 2018 in order to be on the agenda for October 17, 2018.

Village of Ossining Water Treatment Plant, 25 Reservoir Road, Site Plan – PUBLIC HEARING CONTINUED

Mr. Paul Fraioli, Director of Public Works & Engineer Village of Ossining, Mr. Andrew Tiess, Superintendent of Water/Sewer Village of Ossining, Ms. Julie Herzner, Consulting Engineer and Mr. Michael Broder, Consulting Engineer from Hazen and Sawyer were present. Color renderings of the proposed building were passed out to the Board.

Mr. Fraioli asked the Board if these renderings satisfy architectural review requirements and noted that they would like to return to the Zoning Board for a front yard variance application which is a continuation. Ms. Herzner passed out samples of the tile shown on the rendering. They selected the color pallet that the Board suggested at the September 5, 2018 meeting. At this time, Mr. Stolman noted that they have received their negative declaration, they can go back to the ZBA to seek their variance and then return to planning for site plan and architectural review board approvals. Mr. Chin asked if there was anyone from the public who would like to comment on this item. There were none.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and it was unanimously passed to adjourn this item to November 7, 2018.

The Learning Experience, Child Care Facility, 530 North State Road – Site Plan Review PUBLIC HEARING

Mr. Adam Wekstein, Attorney, Mr. Mathew Jarmel, Architect, Jay Fain, Environmental Consultant, and Mr. Gerard Gesario, Civil Engineer, were in attendance representing the applicant, Briarcliff Manor Partners, LLC. Plans prepared by Jarmel Kizel Architects with latest revision September 11, 2018 and documents and reports dated September 18, 2018 were on file. Mr. Ciarcia submitted a copy of a memo last revised September 5, 2018.

Mr. Wekstein addressed the Board and gave a brief presentation of the project to the audience and the board. Mr. Jarmel reviewed the plans and changes that were made as a result of the last meeting September 5, 2018. They changed the side elevation of the building to appear as a front. Mr. Jarmel further described general operations and a detailed interior floor plan and exterior playground which meet all requirements for this type of facility under State Child Care laws, New York State Building Code and International Building Codes.

Mr. Hoeflich presented photos of the Ryder Park stream and expressed concern to the applicant that this waterway is piped underneath the property. Mr. Hoeflich urged that they be aware of the environment and pay close attention to salt and contaminants going into the waterway.

In response to Mr. Hoeflich, Mr. Jarmel noted that they have been receptive to environmental concerns to restore and enhance the stream to a safer condition than what it is right now. Mr. Fain has studied and assessed the stream to see what they can do to enhance and restore a degraded environment. Mr. Fain noted that he is familiar with Mr. Hoeflich's photos, he has been through the waterways shown and explained that he would not want to disturb the stream itself but focus on the riparian zone to improve the environment by removing invasive species, add native plantings that would provide wildlife value and provide value for water filtration. Based on comments from the September meeting, Mr. Fain revisited the area and revised his report to include fish species and change it from drainage channel to perineal stream. Copies of Mr. Fain's report with photos was provided to the Board. Mr. Coleman and Mr. Fain have had visits to the site for further investigations. Mr. Coleman submitted and reviewed his report, dated September 29, 2018, with the Board. Mr. Jarmel noted that they will provide a copy of a Phase I Environmental Report of the property and they will accommodate items listed in the Engineer's memo as well. At this time, Mr. Chin asked if anyone from the public would like to comment.

Ms. Donna Sharrett, 84 Morningside Drive, noted that there are additional water sources that flow into this stream that haven't been recognized on the plan. The proposed 20 foot setback does not meet the wetlands protection requirement for a 50 foot stream buffer, which is needed. The proposal should be reduced in size to allow the required buffer. All plants should be guaranteed for the duration of the operation of this business. A one year guarantee is woefully inadequate and does not recognize the reality that plants often take years – 5 and sometimes more – to establish enough to handle periods of drought and/or inadequate snow cover. The weather is increasingly erratic and severe. This is particularly hard for plants. A memo from Ms. Sharrett, dated October 3, 2018, was provided to the Board and Applicant.

Ms. Wendy Masserman of 10 Morningside Court expressed concern with the size of the proposed building and urged that builders and developers should respect the buffer areas required by the Town's Wetlands Ordinance. Ms. Masserman urged that the Learning Experience downsize their building and suggested they reduce the play area. She also asked them to consider scheduling a site walk with the Environmental Advisory Committee because this is an environmentally sensitive site.

Mr. Fain, on several occasions, has offered dates and times available to schedule a site walk with the Town's EAC. A site walk date hasn't been confirmed by the EAC at this time. Mr. Stolman submitted and reviewed his memo, dated October 3, 2018. Mr. Stolman noted that the Building Inspector has determined that several variances will be required from the Zoning Board of Appeals for the freestanding and building mounted signage.

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The Board expressed concern with the way the signs are proposed to be illuminated. After some discussion, the Board agreed that an externally illuminated sign would be more attractive. Mr. Jarmel agreed to consult with his client, or perhaps seek additional variances for lighting of the sign. The Board urged Mr. Jarmel to consider external lighting.

Mr. Wekstein asked the Board to prepare negative declaration and close the public hearing. Mr. Stolman noted that the Board needs to hear EAC comments before preparation of the Negative Declaration, also the public hearing can remain open until Zoning Board determination is made. The Public Hearing was adjourned to November 7, 2018.

Santucci & Schemmer Subdivision, 37 & 41 Croton Dam Road, Subdivision and Lot Line Amendment

Mr. Val Santucci and Ms. Valarie Schemmer were in attendance with Mr. Matthew Steinberg, AICP, from the firm of Divney, Tung, Schwalbe LLP. Plans revised September 24, 2018 and related materials were submitted to the Board and on file. The property is a total of 5.05 acres in size and is located in an R-15 zoning district. Existing on 37 Croton Dam Road are two single-family homes. The lot known as 41 Croton Dam Road is vacant. The applicant proposes to subdivide the two existing lots into four lots for a total of four single-family homes (two existing homes and two new homes). Memos from Mr. Stolman and Mr. Ciarcia were submitted and reviewed with the Board, both memos were dated October 3, 2018.

Mr. Steinberg gave a brief update of revisions to the Board and discussed the issue of tree replacement and working with the Town on a formula that will be appropriate when the Town's tree bank or tree bank fund is established. Mr. Steinberg noted that the applicant is not seeking Architectural Review or Tree Removal permit at this time, although trees are a continued consideration. When they are ready for development and preparation of the building lots, they will return to the Planning Board with a landscape and planting plan. The Board discussed planting trees on other sites or on a Town right-of-way across the street at the River Knoll site, if this is possible. Mr. Steinberg reiterated that the application is only for subdivision approval at this time.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously agreed by the Board to set a public hearing for October 17, 2018. Mr. Steinberg thanked the Board.

Minutes

Mr. Hoeflich made a motion, seconded by Dr. Hougham and it was unanimously passed to adopt the meeting minutes of the Planning Board Meeting September 5, 2018 with amendments.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Dr. Hougham, that the meeting be adjourned to October 17, 2018.

Time noted: 10:25 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: