

June 3, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on June 3, 2020 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/87213067268>

Meeting ID: 872 1306 7268

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There were present the following members of the Planning Board:

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

### **Marricco, 125 Morningside Drive, New Single-Family Residence, Architectural Review**

John Marricco (the “Applicant” and “Owner”) is seeking Architectural Review Board (ARB) approval to construct a single-family house at 125 Morningside Drive Section Block and Lot 90.1- 1-11.3 (the “Project Site”). The Project Site is a 45,518 square foot parcel and the Applicant is looking to create a single-family home consisting of 2,130 square feet of livable floor area.

Mr. David Arango, RFA & Associates LLC was in attendance revised plans were on file and submitted to the Board. Mr. Arango said they revised the planting plan to include new species of trees as requested from the previous meeting. He submitted a sample photo of the retaining wall and have updated the metes and bounds on the plan. Original site plan and stormwater plan were reviewed by Mr. Ciarcia. Mr. Ciarcia noted that he has inspected the property and it does meet with the approved site plan drawings. Also, Mr. Ciarcia’s comments of putting the property lines and the septic area on the plan were done by the applicant.

Ms. Monastra noted that the applicant has submitted items as requested at the last meeting and those items have been addressed. Mr. Chin asked if there were any further comments from the Board. Ms. Sharrett asked the applicant if windows are going to be added to the sides of the home. Mr. Arango said the owner is in talks with the modular company, but the owner hasn’t confirmed the addition of windows to the plan. Mr. Bossinas urged that they install the windows on both sides of the home. Mr. Arango said they will continue to discuss with the owner and add them to the plan as soon as they get the okay.

Ms. Sharrett asked the applicant to try and plant a variety of trees rather than a hedge that creates a fortress like look with all of the same species in a row. Ms. Sharrett expressed concern with the stream and the type of chemicals that could potentially leach in. Mr. Ciarcia noted that there is a stormwater pond created which has been there for about 10 years, artificially created and taken over with a number of functional plants so before it discharges into the stream, it will immediately react. This area was designed for all three houses in the subdivision, possibly more for the newer home and this new proposed home. Ms. Sharrett asked Mr. Arango about the retaining walls around the back of the property. Mr. Arango noted that there is not much of a slope but the walls in this area are a necessity. Mr. Arango brought up the site plan showing the retaining wall location. Mr. Chin asked if there were any additional questions or concerns. There were none. This application was already scheduled for a June 17, 2020 public hearing. The public hearing was set at the May 20, 2020 meeting of the Planning Board. Mr. Arango thanked the Board.

### **Fiorito, 39 Old Albany Post Road, New Duplex, Architectural Review**

Bruce Fiorito (the “Applicant” and “Owner”) is seeking Architectural Review Board (ARB) approval to construct a two-family house at 39 Old Albany Post Road Section Block and Lot 80.14-1-28 (the “Project Site”). The Project Site is an 11,553 square foot parcel and the Applicant is looking to create a two-family home consisting of two three-bedroom units with 1,335 square feet of livable floor area for each unit.

**Fiorito – continued**

Mr. Fiorito was in attendance. He discussed updates to the Plan with the Board. Inverts and drainage were added, rims and inverts in the pipes and catch basins, overflow, more contour lines including the top of the foundation. Mr. Fiorito also added cobblestones to the front of the driveway and stamped concrete pavers in a brick red herringbone pattern. Also, the light fixture on the front of the house, water and sewer connections. Roofing, siding and trim spec sheets were provided along with tree plan. Per Ms. Sharrett's recommendation, Mr. Fiorito met with a member of Rosedale Nurseries and came up with a revised plants.

Mr. Ciarcia noted that Mr. Fiorito has addressed most of his comments. There are some minor details that can be worked out on the final set which should not interfere with ARB review. Ms. Monastra noted that the applicant did provide remaining information. One thing the Board may want to do is finalize landscaping species because there were alternatives specified. Mr. Chin asked if the Board has any further questions or concerns.

Dr. Hougham said he visited the site at 155 Cedar Lane and liked the look of it. Dr. Hougham mentioned a detail on the 155 Cedar Lane house which made a difference, a stone foundation wall. Also, the use of shingles at the top near the roof to break up the look of vinyl siding. Mr. Fiorito said yes to the shingles at the top, which are a cedar shake pattern up in the roof gables are shown on this rendering. Mr. Fiorito said no to the stone work on the foundation due to cost. Mr. Bossinas noted that there is not a very large amount of foundation exposed here and after landscaping, this may not even be visible from the street. Mr. Fiorito said they will put plants around the foundation area in the front.

Ms. Sharrett asked if there was a rendering of the lights on side and back. Mr. Fiorito said the rear lights are going to be right near the sliding doors at the back same as the front. Ms. Sharrett asked if the side light over the parking area is going to be put on a motion detector, Mr. Fiorito said yes, it's on a motion he can put it on a timer/motion detector. Ms. Sharrett asked about the shingles up near the roof which look different from the siding. Mr. Fiorito said they are the look of cedar shakes made from the same vinyl siding. Ms. Sharrett was not in agreement with the revised selection of trees (Redbuds) as an alternative to the previous tree choice in the front. Mr. Fiorito said two red maples are remaining on site, shrubs in the front are coming out. Ms. Sharrett recommended Mr. Fiorito to submit information on foundation planting. Ms. Monastra noted that Mr. Fiorito can identify more plants but, because this is an Architectural Review, Mr. Fiorito should try to stay consistent with what is existing in the neighborhood. Mr. Fiorito agreed to put the front foundation planting choices on the plan. This application was already scheduled for a June 17, 2020 public hearing. The public hearing was set at the May 20, 2020 meeting of the Planning Board.

**Sunrise Solar Solutions, LLC, Club Fit Briarcliff, 584 North State Road, Site Plan Amendment**

Sunrise Solar Solutions ("Applicant") located at 510 North State Road in Ossining, New York is seeking amended Site Plan approval to install a Tier One solar array on the roof of the existing fitness club building owned by Briarcliff Racquet and Fitness Club Associates doing business as Club Fit (the "Owner") at 584 North State Road Section Block and Lot 90.15-2-1 (the "Project Site"). The Applicant seeks to install ground mounted solar equipment on the north end of the existing Club fit building, for a proposed Tier 1 rooftop solar installation. The proposal includes the construction of concrete pads for the solar equipment, trenching for utility lines, a chain link fence with privacy slats to match existing fencing on site, earthwork and a retaining wall, and removal of sixteen trees.

Ms. Dawn McKenzie, Insite Engineering and Mr. Doug Hertz, Sunrise Solar were in attendance. Ms. McKenzie noted that they have updated the landscape plan and changed the entrance gate into a double gate as opposed to a single gate. They opened the access area to make it six feet clear. This didn't change the height of the wall. Mr. Hertz noted they have tried to make contact with the neighboring self-storage facility but have not had success. As of now, Mr. Hertz said they can maintain all of their work on site without using the neighbor's property. If they can come to an agreement with the neighbor they will provide a stabilized work area. As of now, they do not have permission so they are going to stay on the Club Fit property.

**Sunrise Solar continued**

Mr. Ciarcia noted access for building would be a lot easier from the self-storage site. It is apparent that this strip between the properties has been ignored by both site plans. There's an opportunity here, with cooperation of the self-storage people, to regrade that area. If the trees are coming out, it makes sense to level that area off which would be better for the health of the trees plus the retaining wall could be significantly reduced in scope. Should the applicant get cooperation from the self-storage facility, it should be memorialized on the plan to regrade that area. Mr. Hertz noted that they are more than happy to do it this way if they can get permission. Ms. Zalantis reminded the Board that anything offsite will require formal agreements.

Ms. Monastra reported that this application was referred to the EAC. The EAC has a meeting scheduled for tomorrow, June 4, 2020. They are proposing to remove 17 trees and replace 13 trees. The applicant provided additional information that shows they conform to the Town's Tree Permit Law. They have also provided information on the conditions of the trees. It's the applicant's opinion that most of the trees fall within the provision that would exempt them from a permit which is the removal of any tree that is dead, dying or insect infested or otherwise hazardous. The Town has also sent their Tree Expert, Craig Stevens, out to look at the site and report on existing conditions. There were additional items with regard to the Solar Permit that we asked the applicant to note on their plan and they updated the plan and it does conform with the requirements of Solar Permit provisions. Lastly, there is the upkeep and maintenance plan of the solar equipment and a concern of the Building Inspector as to making sure there is clear walkway for access to the equipment and access to the AC units. The project was also referred to the Briarcliff Fire Department for their review.

Mr. Hertz said they are relocating the AC units across from their current position to free up space for the solar equipment. Mr. Hertz said they are trying to relocate those AC units to adjacent to the existing ones at the rear. They are waiting to hear from Club Fit's AC Contractor to see if it is possible. This would eliminate the need for access to maintain them. At that location, the height of the retaining wall is only about one foot.

Ms. Sharrett expressed concern for the trees remaining in the narrow area by the AC units and if there would be enough space for those trees to thrive if a path is put in to access the AC units. In response to Ms. Sharretts question about a pathway to the AC units, Mr. Hertz said there is sort of a dirt path existing, but the units would be put on impervious pads. Since the space is so narrow in that area, Ms. Sharrett suggested that maybe putting the trees in the front closer to the road and as a mitigation if the applicant did work to preserve and care for the wooded area on the other side of the site. Ms. Sharrett said she would appreciate if the wooded area of natural occurring plants be cared for and preserved as much as the rest of the property is. This wooded area has a lot of vines and barberry that could be removed and there are nice oak trees in there that would thrive.

Mr. Hertz asked for clarification Ms. Sharrett's recommendation. It is his understanding that they could plant in the front of the site by North State Road and do remediation work in the wooded area on the south east side of the building. Mr. Hertz asked Mr. Sharrett to relay this information to the EAC so everyone is on the same page as far as landscaping and planting plan. Ms. Sharrett is the liaison to the EAC. Ms. Monastra noted that the applicant may have to provide the trees based on the tree preservation law. Mr. Hertz agreed to make recommendations to the owner and maintenance staff but this would have to blend in to what Club Fit's vision is. Ms. Sharrett clarified that this only applies to the trees that seem to be shoved into this very small space on the side. Dr. Hougham said he is in agreement with Ms. Sharrett's recommendation and would like the vine and invasive remediation work done to protect the Pocantico River, behind this site and this will help protect fish in the stream. Mr. Hertz noted that the back of the site is NY State Right-of-Way, it's not Club Fit property. Mr. Hertz brought up a google map to show the areas where they could provide remediation work.

Mr. Chin asked if there were further comments or concerns from the Board; there were none. Ms. Monastra and Ms. Zalantis said this is ready to be scheduled for a Public Hearing.

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**Sunrise Solar Solutions, LLC – continued**

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to **schedule a public hearing for Sunrise Solar Solutions, LLC, Club Fit Briarcliff, 584 North State Road, Site Plan Amendment, for July 1, 2020.**

**Minutes**

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A motion was made by Ms. Stevens, seconded by Dr. Hougham and unanimously passed by the Board to approve minutes of Planning Board Meeting May 6, 2020.

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to approve minutes of Planning Board Meeting May 20, 2020 with amendments of adding additional comments by Ms. Sharrett on Sunrise Solar and the Final Resolution for Picucci.

**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 adjourn the meeting to June 17, 2020.

Time Noted: 9:05 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: June 17, 2020**