

July 15, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on July 15, 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/83892234143>

Meeting ID 838 9223 4143

There were present the following members of the Planning Board:

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

Absent: Carolyn Stevens, Member
Jesus Lopez, Alternate Member

Also Present: Christie Addona, 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, PUBLIC HEARING CONTINUED

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. A final version of the resolution titled, Resolution Town of Ossining Architectural Review Board, Application of John Marricco, Property: 125 Morningside Drive, dated July 15, 2020 was circulated to the Board and the Applicant for review and approval.

Mr. David Arango, Architect, and Mr. Neil Nittolo, Builder, were in attendance. Mr. Arango submitted a complete set of plans with two options for aligned windows on the left side elevation A & B. Option A shows four windows lined up. Option B has the windows lined up with the centered over the garage doors. They have also selected a new species of evergreen which is about 10 feet tall and replaced this in the buffer area from the neighbor below the property. Ms. Sharrett said option B looks like a nice option. She would vote for Option B. The plants are nice but they are typically shade plants. Ms. Sharrett asked if something can be put in the resolution that would allow the applicant to plant something else if these fail. Ms. Monastra noted a condition already in the resolution allows for inspections of the approved plants at the beginning and the end of the growing season within the first and second year of installation. "Individual species that do not survive shall be replaced at the beginning of the next growing season." This leaves some flexibility as to what it can be replaced with. Ms. Monastra said more can be added to that to include "to be replaced with native species". Ms. Sharrett still expressed concern that the plants are all shade plants these appear to be proposed in a lot of sun near the septic area. Mr. Chin recommended including some language that would allow the applicant some flexibility in choosing a different plant if this doesn't work out. Ms. Addona said the current language can be changed to include "can be replaced with another native species suitable for site conditions". Ms. Sharrett agreed.

Dr. Hougham asked Mr. Arango to show option A and B again. Dr. Hougham said he is in agreement with Donna, Option B looks better. Both are much better than previous plans without the fourth window. Dr. Hougham thanked the applicant for doing that. Mr. Bossinas also thanked the applicant for making these adjustments. Mr. Chin raised the question of the closet door being so close to the wall and newly installed window. Mr. Arango said this can be moved slightly but it will take away storage area from the walk-in closet. Mr. Chin also agreed that Option B, windows centered over the garage doors, looks very good.

Mr. Chin asked if there were any comments from the public. There were no attendees from the public. Ms. Addona noted that the Board can make a motion to close the public hearing and adopt the resolution with the amendments that were discussed, the window option and the plants.

Marricco Continued

Mr. Bossinas made a motion, seconded by Dr. Hougham and unanimously passed by the Board **to close the Marricco, 125 Morningside Drive, Architectural Review Public Hearing.**

Mr. Chin asked the Board for a motion to adopt the resolution as discussed with amendments. Ms. Sharrett asked for an additional item with regard to the applicant installing a motion sensor for the lighting over the garage door and use a low wattage soft white bulb more friendly to birds and insects. Dr. Hougham recommended specifying the Kelvin Temperature to 3,000K or below. With this addition to the resolution Mr. Chin asked the Board for a motion.

Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to **adopt the John Marricco, 125 Morningside Drive, New Single-Family Residence, Resolution of Architectural Review Approval, dated July 15, 2020, with amendments as discussed.**

Fiorito, 39 Old Albany Post Road, New Duplex, Architectural Review PUBLIC HEARING CONTINUED

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. A final version of the resolution titled, Bruce Fiorito, 39 Old Albany Post Road, Resolution of Architectural Review Approval, dated July 15, 2020, was circulated to the Board and the Applicant for review and approval.

Mr. Chin asked the Board if there were any comments or concerns with the plan. Ms. Sharrett expressed concern with plan that says “Rose of Sharon” with substitutions list. Mr. Fiorito noted that they took the Rose of Sharon off of the list. Ms. Sharrett noted that the same language could be added to this resolution with regard to the survival of the proposed plants since none of the plants around the house are not on the Town’s list and the motion sensor outdoor lighting and low temperature soft white lighting.

Mr. Fiorito agreed. Mr. Chin said to use the same language as the previous resolution which will allow the applicant some flexibility in choosing a different plant if this doesn’t work out. The language can be changed to include “can be replaced with another native species suitable for site conditions” if the original plants don’t survive. Ms. Monastra agreed to revise the resolution and recommended staying with the plan submitted.

Mr. Chin asked if anyone from the public was in attendance to comment on this hearing. There were none. Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board **to close the Fiorito, 39 Old Albany Post Road, New Duplex Architectural Review Public Hearing.**

Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to **adopt the Bruce Fiorito, 39 Old Albany Post Road, New Duplex, Resolution of Architectural Review Approval, dated July 15, 2020, with amendments as discussed.**

Sunrise Solar Solutions, LLC, Club Fit Briarcliff, 584 North State Road, Site Plan Amendment, PUBLIC HEARING CONTINUED

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 seventeen trees.

Sunrise Solar Solutions, LLC, Club Fit Briarcliff continued

A copy of draft Resolution, titled Sunrise Solar, LLC, 584 North State Road, dated July 15, 2020, was circulated to the Board and the applicant for review. Ms. Dawn Mackenzie, Insite Engineering, Mr. Doug Hertz, Sunrise Solar LLC, and Mr. Bill Beck, Property Owner were in attendance.

Ms. Mackenzie said they are awaiting the Town's Tree Warden final report on tree replacement and they would like to wrap up the Public Hearing as soon as possible. Ms. Monastra noted that the tree warden did return to the site and is in the process of writing up his report for the Board.

Instead of specifically referring to a tree warden report that the applicant to adhere to the tree warden's determination and the applicant is required to put the replacement of the trees in kind or as per the Town's tree law or pay into the Town's Tree Bank Fund. This will give the applicant flexibility as to how they would like to finalize the tree detail on the plan. This would be a condition to the issuance of the final C of O.

Mr. Ciarcia noted that his comments are the same as last meeting, about having some flexibility to be able to regrade the area between sites. With the standard resolution, we have field changes coming back to the planning board, but if this can be provided as a field change so not to hold the applicant up. Ms. Monastra recommended something in the resolution that can amend the grading upon the goal of reducing the retaining wall if the opportunity presents itself, the applicant can work with the Engineer and grades could be adjusted if possible. Mr. Hertz agreed that he would like that flexibility and that is a goal that everyone would be happy with. Mr. Chin asked if the applicant was in agreement with the proposed language regarding the trees. Mr. Hertz said, yes, in agreement. Ms. Addona noted that the field change language is going to be specific to the grading and to the satisfaction of the Town Engineer. Ms. Monastra agreed.

Mr. Chin asked if there were any comments from the Board or anyone in attendance regarding this public hearing. Ms. Sharrett said she is in agreement but would like to see the Tree Warden's recommendation letter. There are some very large trees to be removed and the loss of those trees are not being compensated for because the understory trees get to be about 15 feet so you are losing a lot of the eco service of the large trees. This has always been the concern with this project. Mr. Bossinas noted that the Board is allowing the option for those trees not to go in by offering them the tree bank fund option. Mr. Chin reported that the applicant would have to adhere to the conditions of the resolution and the Town's law. Ms. Monastra noted that this is how the Resolution is written, the applicant will have to comply with the requirements of the law. Ms. Sharrett recommended the additional language be added to the resolution that survival and replacement of plants and trees be maintained indefinitely. This is already in place with a site plan resolution, however, the additional language can be added per Ms. Sharrett's request.

There was no one else in attendance for this hearing. Mr. Chin asked for a motion to close the public hearing. **Mr. Bossinas made a motion, seconded by Dr. Hougham and it was unanimously passed by the Board to close the Club Fit Solar Public Hearing.**

Mr. Chin asked the Board for a motion to adopt the Resolution with amendments as discussed with respect to the Mr. Ciarcia's request and Ms. Sharrett's request.

A motion was made by Mr. Bossinas, seconded by Ms. Sharrett and unanimously passed by the Board to **adopt the Sunrise Solar LLC, 584 North State Road, Resolution of Approval, dated July 15, 2020, with amendments as discussed such as field change flexibility with respect to grading and reducing the height of retaining wall to the satisfaction of the Town Engineer, if the opportunity presents itself, and that the survival of initial plantings and/or replacement of plants be maintained in a healthy manner indefinitely.**

Cliff Neto, 53 Ganung Drive, Addition to Single-Family Residence, Architectural Review

Christopher Gomes (Applicant/Contractor) is seeking Architectural Review Board (ARB) approval to construct a two-story addition onto a single-family house at 53 Ganung Drive owned by Cliff Neto, Section Block and Lot 90.14-1-40 (Project Site). The property is located in the R-20 Residential District. Application and material details and photographs dated July 6, 2020 and Plans titled, "Addition for 53 Ganung Drive" dated June 26, 2020 prepared by DeMasi Architects, PC were on file.

Mr. Lou DeMasi was in attendance and gave a brief overview of the project to the Board. A two-story addition is proposed in the area of the existing garage. The garage will be demolished and rebuilt with a slight expansion of about three feet but remain as a one-car garage. Above that will be a master bedroom suite. Mr. DeMasi noted that the proposal meets all of the yard setbacks. The lower level will have a garage, guest bedroom and playroom area with connection to the back yard. The second level will have the master bedroom suite, bathroom, with office.

Mr. Ciarcia said the applicant should provide an up to date survey signed and sealed and submit an erosion control plan. Ms. Monastra noted that the applicant worked to match the existing house and they meet the minimum with zoning requirements. Ms. Sharrett said it looks great and the home already has very nice siding. She asked why there is a side door rather than in the back for access to the pool. It looks like an apartment. Mr. DeMasi said this is set up for a future in-law suite for their mother-in-law. Ms. Sharrett expressed concern with having a side entrance so close to the neighbor. Mr. DeMasi argued that it's not a side entrance, it's a side door with a step, not really considered a main entrance and perfectly legal.

Ms. Sharrett asked to see something on how the door and the light are going to impact the neighbor and what type of light fixture. Also, to have the light on motion sensor and use low wattage as noted in the other applications. Mr. DeMasi said yes, he will provide a lighting detail and put this on the plan. Dr. Hougham said the plan looks nice but they should provide a street view, or Google map, showing adjacent properties. Mr. DeMasi said he can provide a Google Earth map and a street view. Mr. Bossinas said this is really to be looked at as an architectural review by the Board, it's not a site plan. After some discussion, it was determined that the side door lighting needs to be addressed. The owners, Ms. Deanna D'Amore and Mr. Cliff Neto were in attendance. They asked the Board if there were any questions they could answer about the surrounding neighborhood. Mr. Neto clarified that the neighbor doesn't have any windows on the side of the house that would face the new addition. Mr. Bossinas said, either way, the side entrance and the light are perfectly legal and in compliance with building regulations.

The Chairman said the overhead picture or Google map is a standard of the application for ARB and that would be sufficient regardless, but everything else looks fine. The applicant will make adjustments as discussed. Ms. Addona clarified that the Zoning Code does have a provision that deals exclusively with Accessory Apartment and it requires a special permit from the Zoning Board and is pretty extensive. The Town Board adopted it after ample consideration in 2018. The applicant may want to take a look at this for compliance. Mr. DeMasi noted that that's why they are putting this in as a playroom, because if it turns out that they can't use it that way, they will use it as a playroom and cabana bathroom for the pool.

At this time, Mr. DeMasi was able to share his screen with the Board showing the street view and the neighbor's house that doesn't have any windows on that side. Ms. Monastra recommended that the Board consider a public hearing for this at this time.

Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board **to set a public hearing for 53 Ganung Drive, Addition to Single-Family Residence Architectural Review for August 5, 2020.**

Miscellaneous

Village of Ossining Water Treatment Facility – Ms. Monastra noted that the final version of letter as discussed at the last meeting with updated information provided to the DEC is ready for signature.

Landscaping & Plants Discussion, Draft ARB Application Materials

The Board has expressed concerns with landscaping plans with regard to ARB review. The Board spoke about trying to identify some criteria to help guide applicants for when landscaping plans should be submitted, as well as best practices for standards that applicants can submit their landscaping plans based on. Ms. Monastra recommended the following:

Board of Architectural Review and Planning Board Landscaping Best Practices

A Landscaping plan with plant species, location, and number of plants should be provided for all new buildings or structures, new Site Plans, and any Site Plan amendments where existing plantings will be removed or proposed.

1) Plant Species

- a. No landscaping plans should include any plant species that falls onto the following lists:
 - i. Lower Hudson Prism Tier 3 and 4 Species Index:
<https://www.lhprism.org/species-information>
 - ii. New York State Department of Environmental Protection Prohibited or Regulated Species list:
http://www.dec.ny.gov/docs/lands_forests_pdf/isprohibitedplants2.pdf
- b. All landscaping plans should consider the inclusion of plantings listed in the Native Plant Resources Guide:
<https://www.townofossining.com/cms/publications/all-documents/environmental-advisory-committee/2281-native-plant-resource-guide/file>

2) Plant Locations – Plantings should be provided in the following locations:

- a. Along the side, rear and front property boundaries to create visual screening and/or curbside appearance.
- b. Along the front façade of a building to enhance curbside appearance.
- c. Any vegetative islands within a parking lot or driveway or buffer strips proposed on a Site Plan.

Mr. Bossinas recommended changing the wording in No. 2) to say “Plantings should be considered”. Mr. Bossinas believes the Board should be more focused on screening along property lines. This give the applicant some flexibility. Ms. Sharrett expressed some concern with some of the website guides could become outdated or not necessarily updated with change on some of the printed documents. Mr. Chin recommended some language that could refer to a “new pest may indicate which resource can be used” this can make the applicant aware of what issues the Board is looking at. Ms. Addona recommended some qualifying language to maintain discretion of the Board based on the particular circumstances or:

“These are recommendations subject to change and landscaping plan will be reviewed upon submission.”

The Board agreed with Ms. Addona’s recommendation. Ms. Monastra noted that her office has a landscape architect on staff that can review planting plans. Mr. Chin noted that it seems the Board is satisfied with this and the additional language recommended as discussed. Ms. Monastra noted she will update the memo and re-submit.

Mr. Bossinas asked if on an ARB if pictures and google images of the street are required. Ms. Monastra noted in most cases they are, however, in the case of 53 Ganung where the footprint of the building is not increasing and the addition is in character with the neighborhood it didn’t seem necessary for this but in other Applications there were provided. Mr. Bossinas expressed concern with having ARB applicants the burden of creating re-submissions and go back to their Architect, then its additional fees for an application that meets all the zoning requirements. This is where Mr. Bossinas feels the Board could rein it in a bit, so a smaller project doesn’t become a hardship to the applicant. Dr. Hougham noted that it is the responsibility of the Board to see how the project fits in to the neighboring properties and this can only be done by going to the site or providing a picture from google earth which is very simple. Dr. Hougham urged that this is part of the application to show how the project fits into the neighborhood.

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Miscellaneous Continued

After a lengthy discussion, it was determined that a bird's eye view of the neighborhood (printable from Google Maps screen shot or equal) should be submitted by the applicants when filing Planning/ARB applications, but the Board is in agreement that they do not want to overburden the applicant, or cause the applicant to endure additional unnecessary costs when preparing an ARB application. This can be discussed further when the full Board is in attendance.

Adjournment

A motion was made by Dr. Hougham made a motion, seconded by Ms. Sharrett and it was unanimously passed by the Board **to adjourn the meeting to August 5, 2020.**

Time Noted: 9:05 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: August 19, 2020