

October 21, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on October 21, 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/87211962706>

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: Kathy Zalantis, Attorney, Silverberg, Zalantis LLP  
Valerie Monastra, AICP, Nelson, Pope & Voorhis, LLC  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

**Rinaldi Subdivision, 39 Stormytown Road, 10-Lot Subdivision Final Subdivision Review PUBLIC HEARING CONTINUED**

The applicants are seeking Final Subdivision Plat Approval to subdivide the subject property into ten (10) building lots and to construct a Town Road to provide access to eight (8) of the ten (10) lots. Lots #1 and #3 are proposed to have direct access to Stormytown Road via existing driveways. The project is located at 39 Stormytown Road, Section 89.07, Block 3, Lot 62 on the Town of Ossining tax maps. The site is 6.68 acres in size and is zoned R-20 One-Family Residence District. The Applicant received Preliminary Site Plan Approval on October 2, 2019.

The applicants were not in attendance. Mr. Hernandez, Architect, sent a request by email dated October 21, 2020 to request an adjournment for tonight's meeting to properly resolve any outstanding issues and submit a plat when complete. Mr. Ciarcia submitted a memo dated October 21, 2020 in review of his site visit with Highway Superintendent, Pete Connolly. Mr. Connolly has no issues with the sidewalk if his department is not responsible for maintenance. There was some concern with open drainage channels near Stormytown Road. The dedication of the road and associated stormwater improvements were also discussed with Mr. Connolly. He also has no objection to accepting the facilities if they are properly designed and constructed. Mr. Ciarcia's memo was sent to the applicant and to the Board.

Mr. Chin asked if there was anyone from the public in attendance to speak on this hearing. There was no one from the public for this matter, however, two Town EAC members, Ms. Marilyn Owens and Ms. Nicole Camillieri were in attendance. The matter was adjourned because the applicants were not available to answer questions and did not provide any updated plans. Ms. Monastra suggested adjourning the public hearing to November 18, 2020 since there are still some open items that may not be resolved by the November 4, 2020 scheduled meeting. The Board was in agreement with this.

**Ms. Sharrett made a motion, seconded by Dr. Hougham and unanimously passed by the Planning Board to adjourn the Rinaldi Subdivision, 39 Stormytown Road Public Hearing to November 18, 2020.**

**Ecogy Energy New York II LLC, Maryknoll, 75 Ryder Road, Solar Canopy System PUBLIC HEARING**

Ecogy Energy New York II LLC. (the "Applicant") and the Catholic Foreign Mission Society of America Inc. ("Property Owner") are seeking to develop a Tier 3 solar energy system under the Town's Solar Energy System Floating Zone at 75 Ryder Road, Section Block and Lot 90.06-1-1 ("Project Site"). The Applicant proposes to install a 666 kW AC solar canopy system over two existing parking lots. The canopy system would range from 17 feet 8 inches to 21 feet and 11 inches high. The project will require Planning Board conditional use and site plan approvals and a Town Board zoning map amendment approval to apply the Solar Energy System Floating Zone to the Project Site. In addition, the Applicant is requesting a zoning text change to 200-31.3 Table 3 of the Zoning Code to increase the maximum height from 15 feet to "25 feet for a canopy that is placed exclusively over impervious surfaces or surfaces without vegetation that are used as parking lots".

**Ecogy Energy New York II LLC, Maryknoll, PUBLIC HEARING -continued**

Ms. Julia Maglizzo, Operations Manager, Ecogy, was in attendance. Erosion Control detail sheets were submitted via email October 21, 2020. Ms. Monastra submitted and reviewed with the Board, a draft copy of a Negative Declaration and draft Resolution of Approval, dated October 21, 2020. Mr. Ciarcia noted that the recent detail sheets that were submitted by the applicant should be incorporated into the final plan. Mr. Chin asked for clarification on the next steps. Ms. Zalantis said if the Board goes forward with adopting the Negative Declaration tonight, it also has to make a recommendation on the proposed rezoning. Then the matter would go to the Town Board for consideration of the proposed rezoning. If the Town Board grants that, it will come back to the Planning Board for final Site Plan Approval.

Mr. Bossinas asked for clarification on the proposed height of the structure. The original submission shows 22.5 feet and the proposed zoning amendment asks for 25 feet. Ms. Maglizzo said they are in need of 22.5 feet but height as defined in the code is by the height of the edge of panel to the ground directly below it. There can be a discrepancy if there is a slight slope underneath where the canopy is placed. Mr. Maglizzo said this can add a couple of inches to the 22 feet.

Mr. Bossinas said he doesn't want to restrict the applicant, but if the extra feet are not necessary, there's the concern that 25 feet may apply more to other canopy projects in the town and because this is a zoning text change, it's not just a variance for this specific project, it would be applicable to any future canopy that might apply. There may be projects that could be more visible in the future and the Board wouldn't want to increase that number to 25 unnecessarily. Ms. Maglizzo said they do not have an issue with staying at the requested 22 feet if required.

This project is so well screened from the road, but because the Board is not sure what will come in the future, Ms. Sharrett recommends, if the Board is asking for 25 feet, to also require it to be adequately screened. Mr. Chin noted that the code already provides for an analysis of the screening. Ms. Monastra said it does require a visual impacting and assessment for Tier three systems. Mr. Chin asked if the proposed language on the recommendation could make it more robust in terms of applying that standard for screening. Ms. Zalantis clarified that if another project, other than this type of solar panel project, the applicant would have to come back to the board for site plan approval. This approval does not make it "as of right". Ms. Zalantis said the Planning Board can make a recommendation to the Town Board for the floating zone to apply to this property in connection with this project. Mr. Chin asked the Board for a motion.

**Ms. Sharrett made a motion, seconded by Dr. Hougham and unanimously approved by the Board to make a recommendation that the Town Board grant the Applicant's requested zone text change per 200-31.3 Table 3 to increase the maximum height from 15 feet to 23 feet, if needed, for a solar canopy that is place exclusively over existing impervious surfaces without vegetation that are used as parking lots and to consider imposing more robust screening requirements for such canopy application within the 15 to 23 foot range.**

Ms. Zalantis said the Board will require a motion to adopt the Negative Declaration. Mr. Chin asked for a motion to adopt the Negative Declaration.

**Ms. Sharrett made a motion, seconded by Dr. Hougham and unanimously passed by the Board to adopt a Negative Declaration under SEQRA for the Ecogy Energy New York II LLC, Maryknoll, 75 Ryder Road Solar Canopy System Project, dated October 21, 2020.**

Mr. Chin asked if there was anyone in the audience that would like to comment on this matter. There were none. In order to give the applicant additional time to present their application and recommendation to the Town Board, the Planning Board adjourned the Public Hearing to December 2, 2020. The Planning Board tabled review of the draft Resolution of the Approval until that time. Ms. Maglizzo asked the Board for a recommendation to consider applying a floating zone to the property. Mr. Chin asked for a motion on this as well.

**Ms. Sharrett made a motion, seconded by Dr. Hougham and unanimously passed by the Board to recommend the Town Board apply the floating zone to the property in connection with this Applicant's proposed Tier 3 Solar application.**

**Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Ecogy Energy New York II LLC, Maryknoll, 75 Ryder Road Solar Canopy System Public Hearing to December 2, 2020.**

**Freddie Polzella, 3 Waterview Drive, New Single-Family Residence, Architectural Review PUBLIC HEARING**

Freddie Polzella (the “Applicant” and “Owner”) is seeking Architectural Review Board (ARB) approval to construct a two-story single-family house at 3 Waterview Drive Section Block and Lot 80.10-1-9 (“Project Site”). The property is located in R-5 residential district. (R-5 Cluster Subdivision in an R-30 Zone). Ms. Monastra submitted and review a draft resolution of approval of Architectural Review, dated October 21, 2020.

Mr. Chin announced the continuation of the public hearing and asked if there was anyone in the audience that would like to speak on this matter. There were none. Ms. Monastra submitted and reviewed with the Board a Resolution of Approval dated October 21, 2020. Ms. Monastra said there are a couple of specific conditions associated with this; the applicant should address all outstanding comments satisfactory of the town engineer, identify landscaping and that all landscaping needs to be installed healthy and vigorous and then within like the first couple years if installation fails, then they would be replaced.

Mr. Ciarcia said he met Mr. Connolly, Town Highway Superintendent, at the site to study the roadway island sight distance issues brought up at the last meeting by Town residents. They identified some overgrown Junipers that will be cut back to improve the sight distance for all of the driveway connections in and around that island. Mr. Connolly will revisit the site in the springtime to plant some lower growing vegetation. Mr. Ciarcia said the applicant has addressed his concerns and he received items from the Applicant’s Engineer. Ms. Sharrett asked if the trees that the applicant will be planting in the front could be some other deciduous trees, other than Red Maples. Dr. Hougham asked if a note could be added to the resolution that all of the retaining walls be done with natural stone and stone from the area and be constructed without mortar a dry stacked stone wall.

Mr. DeMasi thanked the Board and said yes, they will plant the trees as discussed and build the walls with natural native stone and no mortar. This is in line with what is already existing throughout the development and some of what was built by Mr. Polzella about 20 years ago. Mr. Chin asked the Board for a motion to adopt the Resolution with these amendments.

**Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to close the Freddie Polzella, 3 Waterview Drive New Single-Family Residence Architectural Review Public Hearing.**

**Ms. Sharrett made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adopt the Freddie Polzella, 3 Waterview Drive, Resolution of Architectural Review Board Approval, with amendments as discussed, dated October 21, 2020.**

**Miscellaneous**

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**Parth Knolls, letter dated October 19, 2020, requesting Temporary CO and amendments to Resolution items.**

The applicants were not in attendance. Ms. Monastra reviewed the applicant’s request with the Board. The letter is requesting that the Town Planning Board allow the Building Inspector to issue a Temporary Certificate of Occupancy for Building No. 1 and temporary CO’s for the apartments as they are completed on the first floor and then on the second floor in Building 1. Building 1 is in the finishing stage and the owner is ready to begin marketing of the apartments for rental. Their General Liability Insurance Policy will not allow the owner to physically show the apartments for rental without a temporary certificate of occupancy. Mr. Ciarcia gave an update of where they are today with the project and what some of the issues are.

This was referred to the Planning Board by Mr. Hamilton because this request does not meet specific conditions of the original resolution requirements for the issuance of a Temporary CO. The original resolution was approved January 25, 2017. Mr. Chin requested copies of the original approved Resolution and a copy of the letter be sent out to all of the Board members for review. Ms. Monastra said she can outline the original resolution and show what they are suggesting in this request. After some discussion, Ms. Zalanis said the applicant needs to submit a formal application for the process of amending their site plan resolution and a public hearing could be scheduled after that. The Board agreed to a public hearing. Ms. Sharrett asked to arrange a site walk because she was not on the Board when this was originally approved.

October 21, 2020

**Santucci & Schemmer Subdivision – Request for extension of time to complete resolution items**

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Mr. Mark Shogren of Divney, Tung & Schwalbe was in attendance. A letter dated October 13, 2020 requesting two 90 day extensions of time to complete resolution items was submitted to the Board. Mr. Shogren said they are preparing the plat as well as the water main extension for the health department.

**Mr. Bossinas made a motion, seconded by Dr. Hougham and unanimously passed by the Board to grant two 90-day extensions of time to the Santucci & Schemmer Resolution of Subdivision Approval as requested.**

**Minutes**

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**Ms. Sharrett made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adopt the minutes of Planning Board Meeting October 7, 2020.**

**Adjournment**

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**A motion was made by Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the meeting to November 4, 2020.**

Time Noted: 8:50 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: December 16, 2020**

October 21, 2020