

December 16, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on December 16, 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/89965029030>

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
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

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. A letter dated December 16, 2020 requesting an adjournment was received earlier in the day and was submitted to the Board. The next scheduled meeting is January 20, 2021. Mr. Chin asked if there was anyone in the audience in attendance for this this Public Hearing. There were none.

Ms. Stevens made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Rinaldi Subdivision, 39 Stormytown Road Public Hearing to January 20, 2021.

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

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”.

Ms. Julia Maglizzo was in attendance. Ms. Monastra gave an update and reviewed a draft resolution with the Board. The Planning Board made a recommendation to send this to the Town Board with regards to an amendment to the zoning code as well as the recommendation for an application of a floating zone for this particular property. The town board town board held its public hearing and in adopted both the floating zone, as well as the zoning text amendment.

Ecogy Energy continued

Ms. Addona noted that the Town Board did follow the Planning Board's recommendation and made the maximum permitted 23 feet as opposed to the applicants originally requested 25 feet. The Town adopted both aspects, the zoning text amendment and applying the floating zone to the applicant's property. At this time, now it is back to this board for site plan review. After review of the draft resolution, the Board agreed that the final version should reference the fact that the Town Board did grant the zoning text amendment and the zone map change to include it in the floating zone. There were no further questions or concerns by the Board. Mr. Chin asked if there was anyone in the audience in attendance to speak on this matter. There were none.

Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to close the public hearing for Ecogy Energy New York II LLC, Maryknoll, 75 Ryder Road Solar Canopy System.

Ms. Stevens made a motion, seconded by Sharrett and unanimously passed by the Board to adopt the Ecogy Energy New York II LLC, Maryknoll, 75 Ryder Road Solar Canopy System Resolution of Site Plan & Conditional Use Approval, dated December 16, 2020, as amended.

Borrego Solar Systems Inc., St. Augustine Church, 381 N. Highland Avenue, Battery Storage System Site Plan Review PUBLIC HEARING

Borrego Solar Systems Inc. (the "Applicant") is seeking site plan approval to construct a standalone energy storage system that would be used to supplement power to the local power grid at peak hours, by utilizing New York State's Value of Distributed Energy Resources (VDER) mechanism. The system will be enclosed by a 7 ft. chain link fence and will occupy a total area of 0.22 acres. The system will be unmanned, and a gravel access road will be installed for occasional vehicle access. The property is owned by the Archdiocese of NY Inc. and is located at 381 North Highland Avenue, Section Block and Lot 80.18-2-1 ("Project Site"). The property is located in the R-20 zoning district.

Mr. Mike Conway and Mr. Greg Gibbons of Borrego Solar were in attendance and gave a brief overview of the project to the public and the Board. Mr. Gibbons noted that they did reduce the grade of the road to 10% per the requirement and request from the Town Inspector and the Fire Code and they provided a landscaping plan for the site that will help the honeybee requirements.

Dr. Hougham asked if there's been any movement or any discussion about findings on the archaeological report. Mr. Gibbons said they've been in coordination with Harkin Associates and they haven't found anything there. They're processing their report but no updates on their findings yet. They did submit a photo log.

Ms. Sharrett asked about the use of low carbon concrete, a recommendation from an earlier meeting and something Green Ossining has asked about. Mr. Gibbons said they did not have a chance to look into that item. Ms. Sharrett said she did see the landscape plan with a lot of bee friendly plants. She thanked applicant for that. Because the landscape submission for this was late, she will be looking at it more in depth for the next meeting. Overall, Ms. Sharrett was very appreciative of the planting plan received.

Mr. Chin opened the public hearing to the audience, he noted that this public hearing will be continued and if anyone from the public does not wish to speak at this time will have another opportunity January 20, 2021.

Mr. Sal Somma, 12 High Ridge Road, Mystic Pointe, asked Mr. Gibbons about various sensors and detectors that will be in place in the battery compartment and asked if they will be monitored regularly and who is monitoring them and their location? Is it a company or a person monitoring them in the vicinity, or is it monitored from hundred miles away or fifty miles away?

Borrego Solar Public Hearing continued

In response to Mr. Somma, Mr. Gibbons said there be full time monitoring that is part of the operations and maintenance plan that will be approved by the building department prior to any building permits being submitted. All of these projects have full time monitoring so you don't have to worry about that. As far as where it could be, they will be located in United States, and they will be in constant communication with boots on the ground that can be within the site at a reasonable time if anything goes wrong and they will be in constant communication with the local fire and emergency departments. They will have direct emergency numbers and they'll know exactly who to contact if it ever came to that, which is very unlikely that does come to that because of all the checks and balances that are in place with the monitors and alarms. Mr. Somma inquired about the easement and if the road will be able to handle construction trucks.

Mr. Gibbons said it's really not that much material to build this project and once it's built it's unmanned. There's not a lot of traffic back and forth. There's a few heavy loads for the batteries but it's not anything crazy. It's all rated, it's not going to be oversized crazy trucks that are above the ratings for the highways.

Mr. Chin acknowledged receipt of a memo dated December 16, 2020 from Mr. Bob Margolies, Mystic Pointe. Mr. Margolies provided copies of easement documents between St. Augustine's and Mystic Pointe which were shared with the Board. Mr. Margolies said there's been a lot of confusion at Mystic point about this project. He personally received a letter from the solar company and immediately put it in the trash because he thought it was somebody trying to sell solar panels. Also, Mystic Pointe Association will need to talk to the church to make sure that they have the appropriate insurance for the use of the road during the project.

Ms. Addona said she looked at the documents sent today, but didn't have an opportunity to go over it in depth. The understanding was that insurance was supposed to be in place a long time ago. This is a private property issue between Mystic Pointe and the Church and they are certainly within their rights to investigate that and if they have any issues they can bring it to the Planning Board's attention. Whether it's something that would be within the Planning Board's purview, Ms. Addona can't say at this stage, but the hearing will be held over so Mr. Margolies will have some time to do so.

In response to Mr. Margolies, Mr. Conway from Borrego Solar said they are aware of the access easement for the church and Mystic Drive based on our review of the title documents for the property. The uses that are going to be taking place for the construction of this energy storage system are in line and no more obtrusive than other uses that the church would have for general improvements to the school building and the new rectory for Standard renovations or construction projects that they may have at the church. They haven't seen any sort of legal requirements to try to make modifications to the easement. Mr. Conway said they would certainly take this conversation off line between the Mystic HOA, the Church and Borrego to discuss in detail. Mr. Margolies said the fact that this hearing is going to be deferred will give time to research it further and he thanked the Board.

Ms. Elizabeth Legatt, 51 Mystic Drive, said it is her understanding that the total weight of these batteries is going to be about 134 tons and was just wondering about the soil quality where those batteries will be placed. From living right around the same area, when it rains the grounds gets very wet and mushy and if it's going to be an issue with 134 tons.

Mr. Gibbons said they provide geotechnical reports from third party geotechnical engineers. They will evaluate the subsoils and let us know what type of foundations would be required for the system. If the soil is poor that they would need to do some sort of foundation system above and beyond a regular concrete pad, they would propose that and wouldn't be able to build the project without that. The soils are fairly good from the available soil data. There's also rock and a lot of rock outcrops in the area. Mr. Gibbons said they will do an advanced geotechnical report, like we do with every project and make sure that the foundations are able to support the weight. Ms. Legatt asked if there already a similar type of operations like this in our area.

Mr. Conway said the closest operations are across the river over in Orange County. There's one in the Town of Walden. They're not right next door in Westchester County, but those are the closest systems that we have that are in operation. Ms. Legatt also expressed concern with High School age children getting near the units or vandalism. Mr. Conway said the units are fenced in and secure inside of individual enclosures.

Borrego Solar Public Hearing continued

Mr. Eugene Buccini, 108 Mystic Drive, asked if there was any type of Solar Project proposed to go along with this battery storage and can the applicant assure that it won't become that in the future.

Mr. Conway said he can only speak to what's on this particular application. They do not have any agreement or proposal with the church for doing solar panels in the future neither on the roof or any of the structures there or on the ground. However, Mr. Conway can't say for certain or provide any surety that the church would not pursue that in the future with another organization.

Mr. Bernie Yozwiak, Croton on Hudson, asked the applicant if this system is integrated with NYISO (New York Independent System Operator) and is it desired by NYISO and Con Edison or are they accommodating the installation?

Mr. Conway said it is not directly integrated with NYISO. The New York Independent System Operator is the nonprofit entity that sits above the transmission system, which is the high voltage hypertension lines that you usually see running sort of cross country and not the type of stuff that's on Streets typically. New York ISO is that sort of upper level administrator typically does it manage assets that are on Con Ed's distribution system unless they're doing certain functions and so this product is not envisioned to be a direct participant in NYISO's market. Instead it participates and does a sort of back and forth with Con Ed as a distribution system operator and then Con Ed interfaces a level upstream with New York. This installation is part of a program that Con Ed and the state of New York are administering together to introduce assets that relieve stress on the distribution system and demand response or demand relief programs. The way that these systems operate is sort of in response to a signal from content where if it is summertime and it's hot out and everyone is running their air conditioners all day, Con Ed will say, we've got a peak demand moment and we need your asset to help us relieve that Demand from the system.

Mr. Yozwiak asked Mr. Conway what is the Kw or if it was kWh? Mr. Conway said it has both. Five megawatts and the physical size is about 6500 square feet for the fence. The battery is about 60 by 30. Mr. Yozwiak asked Mr. Conway to go over the fire suppression system and how it works.

Mr. Conway said there are a couple different layers escalate from internal to external and then in an emergency at the far end of the likelihood scale. The first line of protection is sort of the ongoing battery management system, which is sort of an electronic brain for each of the batteries that is constantly monitoring certain data points that are inside of the battery and describing how the battery is operating and so you know it's parameters like the ambient temperature of the battery, how many watts and amps and how much resistance going through just sort of critical data points that tell you about the health of each battery so that if one of those batteries goes outside of its tolerance, that battery management system, that brain can say you're out of your tolerance, "I need you to shut down", and can sort of isolate that before it becomes a more significant incident. That battery management system that sort of the first layer on top of that is a fire suppression system which contains a non-liquid gas agent that's meant to snuff out a spark if it were to happen inside of the container. It's not meant to fight a fire. It's meant to say if there's what's known as an incipient event something about to happen like a small spark, that it would flood the entire container with a fire suppression compound that would sort of take all of the oxygen out of there and all the things that were going to instigate that event and effectively suppress that and then finally the containers themselves have a have a firewall rating on them, it's rated for several hours, such that if there is a there's a heat event inside of the system, it's not able to propagate to the outside of the containers. Also, the lifetime expectancy of the system is 20 to 25 years. Mr. Yozwiak thanked the applicants.

Ms. Doreen Ginipro, Mystic Pointe, High Ridge Road, asked if Con Ed has commissioned this project. Mr. Conway said it will be a participant in a program that's administered by Con Ed but it's not necessarily appropriate to say the Con Ed has specifically commissioned this project. It is being pursued and commissioned by Borrego Solar, as the applicant and the developer here. The content of this kind of program is sort of open for people to bring products into it to participate in. They will say, we need x amount of demand relief, anyone who wants to participate can bring a project to it. We are one of those who responded to bringing a product to Con Ed but we did not select the site. They've accepted the site and they have approved our interconnection. They did not commission it, but it is part of a program that they administer. Ms. Ginipro thanked the applicant.

Borrego Solar Public Hearing continued

Mr. Walter Zullig, 77 Mystic Drive asked if the unit will generate noise when up and running. Mr. Conway said they can submit data on the ambient noise and that data will come in the format of how many decibels you can hear at 10 meters. They can do some calculations about how that attenuates through air and how far that that decibel level will travel.

Ms. Joanne Olson, Mystic Pointe asked the applicant if the property is being purchased or is it being leased from St. Augustine and who is the beneficiary of the product being installed.

Mr. Conway said they are leasing about 15,000 square feet from St. Augustine and it's similar to the lifetime of the system, that's 25 years, which is the length of the lease as well. The beneficiary would be the residents and electric customers. It improves the reliability and the resiliency of the Con Ed system by relieving stress during stressful times. A system which makes it less susceptible to blackouts and brownouts. However, during a blackout this could lose power as well.

Ms. Abby Bergman, 19 Pond View Lane asked the applicant how the batteries actually connect to the grid and where the physical wires going from the grid to the batteries.

Mr. Conway said it will be connecting along the north side of St. Augustine's property. The point of interconnection with Con Ed is along Route 9. It's not the access driveway point. It's against the north eastern side of their property near where the off ramp section is from Route 9. It will be underground through St. Augustine's property and then it'll come to meet Con Ed from the underground, rise up and connect to Con Ed on top of a pole.

Ms. Marilyn Owens, Town EAC Member, asked if there is any anticipated leakage from the storage batteries in the short term or long term as they're in existence. If so, the follow up question would be, what measures are in place to prevent such leakage from entering the soil and eventually possibly into the Hudson River and what is the shelf life of the actual batteries. How often or those batteries have to be removed or changed?

Mr. Gibbons said it's not liquid like a lead acid battery that might have leakage. If anything was to happen, there's no leakage involved with these. Also, the containers that they're in are fire rated for several hours. There's no chance for any leakage and there is no liquid to be leaked. The batteries are changed when it's at the last 10% of its life. So when it reaches 90% of its full capacity. They expect that to be about eight years into the system and the second change to be another eight to nine years. So we expect for each battery to cycle out twice during the 25 year life in the system. Also, most of what is being built under the current content in New York state program is a lithium ion solid state batteries and in the style that they are proposing here.

After some discussion regarding other locations of this type of unit, Mr. Gibbons pointed out that there are some in Westchester County but they are not operated and installed by Borrego. There is one in Yorktown behind the Staples store which is operated by others. At this time, there were no further questions or concerns from the audience and the board.

Ms. Sharrett made a motion, seconded by Ms. Stevens and unanimously passed by the Board to adjourn the Borrego Solar Systems Inc., (St. Augustine Church Property), 381 N. Highland Avenue, Battery Storage System, Site Plan Review, Public Hearing to January 20, 2021.

Parth Knolls, LLC, Residential Development, 87 Hawkes Avenue, Amendment to Resolution of Site Plan Approval, PUBLIC HEARING

Mr. Anthony Beldotti Sr., Parth Knolls LLC, was in attendance. Application materials and original letter were on file. The letter is requesting that the Town Planning Board allow the Building Inspector to issue a Temporary Certificate of Occupancy (TCO) for Building No. 1 and Temporary Certificate of Occupancies (TCO'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 TCO.

Parth Knolls Public Hearing Continued

A letter submitted December 9, 2020 from Mr. David Margulis was on record and submitted to the Board for review. Ms. Monastra gave a brief overview of the applicant's request and shared a draft version of proposed changes to the resolution. The revision deals with when they can receive a TCO specifically relating to the pool and recreational facility being built and also other recreational facilities on site. The other component of the resolution focuses on the payment to the school district and recreation fees and we would split those among the final certificate of occupancy for building one and final certificate of occupancy for building two. Ms. Monastra noted that the applicant is not seeking a site plan amendment or seeking additional units, or overall changes to the site plan resolution and the contingencies of those various fees. Ms. Monastra shared her screen with a redlined resolution document which she reviewed with the Public and the Board.

Ms. Stevens said she received a notice as a resident pertaining to this public hearing and asked the Town Attorney if her recusal is required. Ms. Addona clarified that as long as Ms. Stevens can be impartial it is not necessary. Ms. Stevens said she can remain impartial.

Mr. Beldotti reviewed the document and is in agreement with what Ms. Monastra presented. Mr. Chin asked the Board for comment or concerns. Ms. Sharrett asked the applicant if there's supposed to be an oak tree between the parking lot and the Deerfield property and if it is the front trees that are not planted yet, or there are other trees to be planted on the site. Mr. Beldotti noted that there are other trees that would be planted in the next growing season in 2021. Also, Mr. Beldotti clarified that there is one TCO for the building which will enable them to show the apartments and a TCO for the apartments which allows occupancy of the apartments. They are only asking for the TCO for the building at this time. Ms. Sharrett also expressed concern with lighting and acknowledged the planning board's receipt of letter from a resident who also expressed the same concern with the brightness of the outdoor lighting. Ms. Sharrett recommended the use of a warm amber light similar to what Deerfield uses. A nicer softer color for the tall ones and then for the small ones, they look about three feet high, that go around the sidewalks. If they were changed to a downward facing shorter light that also was a warmer light, not so glaring, that would fit in with the community a lot better.

Mr. Beldotti noted that the lighting plan was specified, approved by the Board and gone over by the planning board originally. These are more energy efficient than the sodium lighting fixtures and the color that you see, which is more of a yellow color. This is a whiter color than the small one's that you see and then the pole lights are the lighter ones. They do not shine beyond the perimeter of the property. They're not something that that goes beyond the property in any way. Ms. Sharrett said you can see it from really far away. She went all around Deerfield last night and it's really bright and bad for wildlife and migrating birds. There's many levels of concern for something that bright and also the surrounding communities which have very soft lights and a less urban feel. Ms. Sharrett urged the applicant to consider revisiting the lighting plan for the neighborhood. Mr. Bossinas asked if there was some specifications in the original site plan.

Ms. Monastra noted that it is specified and recommends a site visit and take a look to make sure that the number of fixtures that are there are identified on the site plan and report back to the planning board. Mr. Beldotti said he would also look into it. Mr. Anthony Beldotti, Jr. went over the operation of the lighting. He said they are on two circuits right now; the bollards are on 24 hours and the pole lights are on right now until 7:00 p.m. They will be adjusted accordingly, when tenants are on the site, coming home from work, and activity there for a safe environment in the parking lot. Ms. Sharrett asked if it is the number of fixtures possibly too many. It's really bright. Mr. Chin asked if the applicant can consider another schedule or perhaps dimming the lights somehow. Dr. Hougham suggested the bollards be downward facing and or lowering the intensity schedule. Mr. Beldotti, Jr. said he will look into it.

Mr. Jason Mencher, Deerfield, shared his screen with the public and the Board. He pointed out large trees that have been removed which created a large opening between his unit and the Parth Knolls development. In the tree survey you can see where these were intended to remain, however, these ones that break the property line between the two properties and would address that lighting issue. Light coming into our neighborhood from some of these downward facing lights might remediate it. The landscaping plan contemplated that a number of trees in addition to the trees that remain would be placed along here. Mr. Mencher said, "I believe they leveled the properties so that they could build the two structures. From the end of my street, I'm looking up about 60 feet to get to the roof of that building. The former large trees that were there broke the lighting issue and broke the property line".

Parth Knolls Public Hearing Continued

Mr. Mencher continued sharing photos on screen and pointed out that from the end of his street were 1, 2, 3, 4, small pine trees, and 1, 2, 3 trees behind that. They don't conform to the size that was supposed to be done for the landscaping plan. They don't conform to the scale that they were indicated to be at and but it was a heavily wooded property. So the removal of a tree right about here that was supposed or maybe it's here. Now, that's the stump. That was supposed to stay on the property. Mr. Mencher pointed out what the property line is between a rather large structure and the edge of our development. Also, the downward facing lights, the little walking lights, bollards. He can see them right now out of his window. Mr. Mencher asked why certain trees that were not supposed to be removed, have been removed and if the board has made a field inspection and determine that the plantings and everything and the tree preservation has been done in accordance with the filed plans.

Regarding the trees along the property line, Mr. Beldotti Jr. noted that quite a few trees came down near there which were the unfortunate result of the last few large storms. One tree came down on their building. There were a few on Deerfield that also came down and those trees were removed at that point.

Pictures were taken of those trees and the building department was notified by email that they were down on the property. These large trees did cause some damage to the building. There were a few on the property line shared by Deerfield and Parth Knolls property. Mr. Mencher wanted to know if they will amend the plan to make up for the trees that came down.

Mr. Beldotti Sr. said some of the plantings are going to be spring plantings, just because the availability and the plants do a lot better in the spring and the fall when you plant them certain types. We plan on fulfilling everything in this plan. He also said the board from Deerfield and Parth Knolls could come together to figure out some things they can do in the future. Once this project really gets completed and they tweak all the little odds and ends.

Mr. Mencher's concern is that once the TCO is issued, what would be the incentives to do plantings and invest further monies into the landscape. Mr. Beldotti Sr. said they will definitely plant what's on the plan that they're responsible for and they have tried to cooperate with Deerfield for many months. There was a large tree that fell on the Parth Knolls building. They asked Deerfield if they could remove it and that it was in danger of coming down. Deerfield gave a very quick NO and that tree eventually fell on the building costing Parth Knolls a very, very large amount of damage. Numerous times they've asked Deerfield to remove bad trees. Mr. Beldotti said they would love to put another tree there, but they're very concerned about the working relationship between our neighbors enough that we're so cautious.

Mr. John Martin from Fawn Court, a resident and Deerfield HOA Board Member said he has no knowledge of anybody turning down the tree removal request. Mr. Martin said he would like to know about that. Mr. Beldotti Sr. told Mr. Martin that they approached Deerfield HOA and Deerfield were not interested. Mr. Beldotti Sr. said they want to be good neighbors. They own properties and maintain the properties they own. He said they will be fulfilling all of their obligations, but there's just so many things they can do. They do plan on planting the trees and will look at the lighting. They are going to comply with their approval. He said they will work with anybody if there is an issue, but they can't change the plan as approved right now.

Mr. Chin recommended the residents, and Mr. Martin, Deerfield HOA Board Member, to put together a consolidated list of issues so the Planning Board can look at them all at once. Mr. Martin said just for informational purposes, he's a contractor and works a lot in New York City. He's very aware of code and contractual obligations and deals with that all the time so he is very sensitive to this. He said he certainly doesn't want to bring up anything that makes a mess for Parth Knolls. He understands what they have to go through and he just wants them to be concerned about the neighbors' particular needs. People who live there are going to have visitors that they can't control, so they want to be assured that that's not going to spill over into Deerfield, or make a mess in any other way. That is the basic concern here, aside from the obvious stuff and the lighting is a bit intense.

Parth Knolls Public Hearing Continued

Mr. Chin said the issue of course is just basically try to get all the issues out in the open and so the applicant actually can review them before the meeting and in an efficient manner, rather than sit here and wait until it becomes 11 o'clock still talking about the same issues over and over again.

Ms. Monastra agreed that it's going to be beneficial for the board to hear all the public comments and then they can ask the applicant to respond to the different public comments.

Mr. David Margulis, 115 Woods Brook Circle, said he wants to reinforce Donna Sharrett's comments about the lighting. He said in the Woods, they recently changed lighting to LED lighting. It is not that bright but it's brighter than he would like, but it's not as bright as what he sees at Parth Knolls and suggests that landscaping in front be done to screen the buildings before the official CO is issued that the landscaping be done as agreed.

Ms. Beth Wise, 152 Woods View Lane, was concerned with the access road to Parth Knolls directly across from The Woods Development is not going to be closed off which was part of the original plan. She expressed concerns with traffic when everyone gets back to normal trying to get out at 7:30am.

Mr. Beldotti Sr. said that is an emergency exit for fire only. There will be a gate installed so only the fire trucks can get in and there will be special pavers put in the front of that. He said they could not do that at this time, but it will be done prior to the occupancy of building number one by any tenants. This will have a gate in front of it and it will only be an emergency access for the fire department. There's a lock on it and the Fire Department has a special lock box key that allows the fire department into that area. Ms. Wise thanked Mr. Beldotti.

Ms. Monastra said, in terms of public comment just received, the board can go back to the building department and have them take a look at the landscaping and also the lights and then we have a couple of weeks before the next planning board meeting, so if there any other additional comments that come in, we can pass them on to the board and take a look at those.

Ms. Addona noted that given the discussion tonight and that the board seems inclined to receive follow up and additional information from the consultants, staff, as well as the public, it's probably best off leaving the public hearing open and adjourn to the January 20th meeting.

Mr. Chin encouraged the public to send in their comments by email and written comments and obviously welcome to join in the next meeting, but written comments would make it more efficient for the Board to understand. Mr. Chin asked for a motion to adjourn the public hearing to January 20, 2021.

Dr. Hougham noted that the photograph that Mr. Mencher shared shows the screening, or lack thereof, was very important to the question, and I would ask the he submit that with his written comments. Also, Dr. Hougham noted that that those four trees would take 30 years before they grew together and become an effective visual blockage and if, in the current plan There is nothing that's supposed to go in between those, he feels something should be done to mitigate that, that seems really unacceptable to me and perhaps that was caused by the trees coming down which was out of control of the developers, but since we're not through with this process and they are asking for new considerations, a much more effective visual buffer there would be reasonable.

Mr. Bossinas asked if there's a measurable way that we can address the lighting issue. There was definitely conversation prior to the resolution that There would be no light pollution, leaving the site and it was the measured on the drawings in a certain way because there's some way to verify that and to make sure that if we discussed motion sensors that they're that they're going to be used and verification that the light fixtures are below 3000 Kelvin and basically what we specified is what's being placed on site.

Mr. Chin said the Board is going to suggest sending John Hamilton out there for that. Ms. Monastra agreed and said she and Mr. Hamilton will take a look at the lighting. Mr. Chin asked for a motion to adjourn the hearing to January 20, 2021.

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Parth Knolls Residential Development, 87 Hawkes Avenue Amendment to Resolution Public Hearing to January 20, 2021.

Mark Seiden, 49 Croton Dam Road, Garage Addition & Site Amendment, Architectural Review

Mark Seiden (the Applicant and Owner) is seeking Architectural Review Board (ARB) Approval to construct and 290 sq. ft. bar-shed and an addition onto the existing garage consisting of 770 sq. ft. of garage space, 285 sq. ft. of storage and 1,550 sq. ft. of recreation space. The project site is located at 49 Croton Dam Road, Section Block and Lot 89.08-1-79 (Project Site). The property is located in the R-15 residential district.

The following materials were submitted by the Applicant; Architectural Review application dated December 2, 2020; Material Details and Photographs received December 2, 2020; Site Plans, Architectural Drawings and Elevations for the proposed garage addition by Gemmola & Associates last revised December 1, 2020; and Site Plans, Architectural Drawings and Elevations for the proposed bar-shed by Gemmola & Associates last revised December 3, 2020.

Mr. Mark Seiden was in attendance and gave a brief presentation to the audience and the Board. They are proposing converting an existing two-car detached garage into a four-car garage with some storage and recreation room on the second floor and attaching the garage to the home. On the left side of the property, they're looking to put a small detached building, a shed bar. It would be a social area detached, with a half bath. In the back of that would be pretty nice wall that would create an incredible amount of privacy for the inside of the property.

Mr. Seiden noted that they are looking not to put any lights on the back of that wall. They do not want to bother neighbors with any lights going on. This would actually create a privacy wall from our neighbors to the rest of the interior part of the patio and property. They already have almost 80 to 90 pine trees on each side of the property which were planted about two years ago to create natural barriers on both sides of the property. With regard to colors and material Mr. Seiden said they are going to match it up with everything that is already there.

Mr. Seiden created a package and brought it to his neighbors on the north side on the right side with the garage and he will have to go in front of the Zoning Board for a side yard variance and his neighbors have already signed letters of support. They have no issue with it at all. Copies of the letters were provided to the Board.

Mr. Ciarcia noted that were asking that some basic erosion control be installed around the site. The applicant touched on the, the issue of the variance. The freestanding garage had previously been treated as an accessory structure. So now, with it being attached to the primary residence, it has to adhere to those setbacks and that triggers the appearing before the Zoning Board. We're asking that the septic system and any underground utilities be shown and this is to ensure that the setbacks from the new foundation are being adhered to that there is no potential problem. Likewise, the water services and anything else out there that might be a consequence to just make sure that the new structures and not interfering with those things.

Mr. Seiden said yes, they will put all those on the plans. Mr. Seiden pointed out that those items are actually in the front. They are looking to do everything in the backyard and all the utilities that come up to the street to the house is all in the front yard. One hundred percent of construction will not interfere with any utilities whatsoever, septic systems or water systems.

Mr. Ciarcia noted that they have to put in some storm water improvements to address the additional runoff, dry wells and infiltrators in the back of the property. Mr. Ciarcia will discuss these items with the architect and address it at the next meeting of the planning board. Mr. Ciarcia reported that the existing garage is currently treated as a detached accessory building which would only require a 10 foot setback, but now that it becomes attached as part of the main house it has to meet the 14 foot setback. A zoning variance may be required.

After some discussion regarding the need for a variance, Ms. Addona said it would be the building inspector's interpretation and if they go to the Zoning Board it is an unlisted action under SEQRA, so there's no coordinated review.

Seiden Architectural Review Continued

Ms. Sharrett asked Mr. Seiden what they were using for lighting. Mr. Seiden said they have two lights there now and they are adding two. They are called Goose Neck lights. One is over each garage bay and all the way on the left, the South front corner of the garage they have a motion sensor light. This light will be moved and all the lighting would be going away from the neighbors towards the middle.

Mr. Seiden discussed screening which is already existing on site and noted that he has received letters from both neighbors that have no problem with the proposed project. Mr. Chin asked the Board if there were any additional comments or concerns. There were none. Ms. Monastra recommended scheduling the public hearing and keeping it open until any zoning board conditions are reviewed.

Ms. Stevens made a motion, seconded by Dr. Hougham and it was unanimously passed by the Board to set a public hearing for Seiden, 49 Croton Dam Road New Garage Addition and Site Amendment Architectural Review January 20, 2021.

Miscellaneous

The Learning Experience, 530 North State Road, Tree Removal Field Change

Ms. Monastra reported that the applicant went to the Building Inspector with a request of removal of two trees from one area of the site and to replant in a different location on site. Mr. Hamilton recommended a discussion with the Planning Board to accept this as a field change. Ms. Monastra noted that this is informational for the Board in the event they happen to see trees coming down, slightly different from the approved tree plan.

Mr. Gerry Gesario, Engineer, was present. He said they are proposing to remove two trees and replace with two trees to be relocated on site with similar species that were previously approved for the tree planting plan.

Ms. Sharrett complemented the applicant on the overall plan which includes bird nesting boxes and fish passage in the stream. Ms. Sharrett suggested instead of the two species of trees they are proposing, Service Berry and White Spruce, that they replace with all Holly and if they could eliminate the lawn area in the six foot strip between the properties, where a lawn area is not really needed, and replace with mulch.

Mr. Chin asked the Board for any further comments. There were none. Mr. Chin thanked the applicant for giving notice of this to the Board. The Board was in agreement with what was discussed. Mr. Gesario thanked the Board.

Minutes

Ms. Sharrett made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adopt the minutes of Planning Board Meeting October 21, 2020 as amended.

Ms. Sharrett made a motion, seconded by Dr. Hougham and unanimously passed by the Board to adopt the minutes of Planning Board Meeting November 18, 2020.

Adjournment

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 January 20, 2021.

Time Noted: 10:10 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: February 3, 2021