

February 17, 2021

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on February 17, 2021 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/88375663334>

There were present the following members of the Planning Board:

Ching Wah Chin, Chair
Jim Bossinas, Member
Carolyn Stevens, Member
Donna Sharrett, Member
Jesus Lopez, Alternate Member

Absent: Gareth Hougham, 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 applicant, Mr. Donald Utschig, requested an adjournment to March 17, 2021. Mr. Chin asked if there was anyone in the audience in attendance for this this Public Hearing. There were no responses.

Ms. Sharrett made a motion, seconded by Ms. Stevens and unanimously passed by the Board to adjourn the Rinaldi Subdivision, 39 Stormytown Road Public Hearing Continuation to March 17, 2021.

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

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.

Mr. Greg Gibbons and Mr. Mike Conway of Borrego Solar were in attendance. Ms. Monastra updated the Board. The Town Board passed a Battery Storage Law and this application falls within the perimeters of the new law. The applicant has reviewed the law as part of the public process and similar to the Solar Energy Law the Planning Board will have to provide a recommendation to the in order for them to consider placing a floating zone on top of this property. This project is still under State Environmental Quality Review Act (SEQRA) for consideration and review. Ultimately, the Planning Board will need to provide some determination of significance. The Board should wait until State Historic Preservation Office (SHPO) responds to the archeological report before making a final determination under SEQRA. Department of Environmental Conservation (DEC) responded with respect to the Bald Eagle and have suggested that work should take place between April 1st and November 31st. They've also determined that a wetland permit is not needed but a Storm Water Pollution Prevention Plan (SWPPP) is. This was submitted and Mr. Ciarcia is currently reviewing it.

Borrego Solar continued

Mr. Ciarcia said he is in receipt of the SWPPP and it looks acceptable but will need some watershed maps to verify the watershed areas.

Ms. Sharrett said she is in agreement with the DEC condition of having construction done between April 1st and November 31st. Also, not disturbing the artifacts is much better than carting them off to a museum somewhere. Ms. Sharrett said if there were a way to acknowledge that there were people in this area at some point with a historic sign, if the church would allow that, would be a really great thing. Mr. Chin said Ms. Sharrett submitted an email showing an example of the type of historical marker sign that can be considered by the applicant and the Board. A copy of this will be submitted to the applicants and on file. Another issue, while listening to the Town Board's meeting, Ms. Sharrett learned that this is the same area where St. Augustine's Church sets off their annual fireworks which could be very dangerous. Mr. Conway said he doesn't believe relocating their fireworks would be an issue for St. Augustine's. Mr. Chin noted the use of fireworks would be under whatever the code requires as far as safety measures. Ms. Monastra noted that a draft negative declaration can be prepared for the Board to review. Mr. Chin asked for a motion to have staff prepare a draft resolution and negative declaration under SEQRA for the Board's review and consideration at the next meeting of the Planning Board.

A motion was made by Ms. Sharrett, seconded by Ms. Stevens and unanimously passed by the Board to have staff draft a Resolution and Negative Declaration under SEQRA for the Borrego Solar Systems Inc., St. Augustine Church, 381 N. Highland Avenue Battery Storage System Site Plan Amendment.

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Borrego Solar Systems Inc., St. Augustine Church, 381 N. Highland Avenue Battery Storage System Public Hearing to March 3, 2021.

Terra Rustica Ristorante, 550 North State Road, Site Plan Amendment

Terra Rustica Ristorante (the Applicant) is seeking Site Plan amendment to construct a 380 square foot addition to its existing outdoor deck. The existing outdoor deck of 620 square feet received site plan approval from the Planning Board in 1997. The deck will remain open to the outside with no walls. This property received a zoning variance in 1996 for outdoor dining as well as a variance for ten (10) parking spaces which permitted the outdoor deck to accommodate up to 30 tables. The Applicant is applying to the Planning Board to use the expanded outdoor deck area for the same number of tables as approved in the 1996 Zoning Board resolution. The Project Site is located at 550 North State Road, Section Block and Lot 90.15-2-8. The property is located in the GB General Business district.

Mr. Kory Salomone, Applicant's Attorney, and Mr. Lou DeMasi, Architect, were in attendance. Ms. Monastra noted that this application is a Type II Action under SEQRA. Based on the interpretation from the Building Inspector with regard to additional parking, the applicant does not need to provide additional parking. They can continue the process under the existing variances that they have. The applicant provided some additional information with regard to the deck height and parking underneath the proposed deck. They have provided colors and materials associated with the project and made note that the lighting shall be under the canopies not extending beyond the deck and the one light pole will have decreased lumens. As of this time, the applicant has addressed outstanding items required as of last month. Mr. Ciarcia noted that his issues are addressed as well. Ms. Zalantis noted the applicant will need to go to the Zoning Board of Appeals for a front yard variance and then return to the Planning Board.

Mr. Salomone reported that he would be submitting an application to the Zoning Board of Appeals for this on Monday, February 22, 2021 to get on the Zoning Board's meeting on March 15, 2021 and in anticipation of receiving the variance, Mr. Salomone asked if the Planning Board would set their Public Hearing for Site Plan Amendment and Architectural Review on March 17, 2021.

Ms. Sharrett asked the applicant to possibly provide more screening near the neighbor and in the front facing North State Road. Mr. DeMasi said they can provide some potted plants but will not change the design of the railings which is a type of cable line railing system already in place on the existing deck. Also, Ms. Sharrett asked if they would consider installing a bike rack. There is a bike lane on North State Road now connecting to the North County Trailway. Mr. DeMasi said he will present this to the owner, a bike rack sounds like a great idea.

Terra Rustica continued

Mr. Chin suggested the application be referred to the Environmental Advisory Committee and to the Zoning Board of Appeals. Ms. Monastra added the Board should set a Public Hearing for Site Plan and ARB as well.

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to refer the application to the Environmental Advisory Committee and the Zoning Board of Appeals, and also to set a public hearing of the Planning Board on March 17, 2021 for Site Plan Amendment and Architectural Review Board approval.

Minutes

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adopt meeting minutes of January 20, 2021.

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adopt meeting minutes of February 3, 2021.

Adjournment

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Planning Board meeting to March 3, 2021.

Time Noted: 8:05 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: March 3, 2021