

April 6, 2022

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on April 6, 2022 at 7:30 p.m. by Zoom video conference.** Members of the public were able to view and join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/86310643009>

There were present the following members of the Planning Board:

Gareth Hougham, Chair  
Jim Bossinas, Member  
Carolyn Stevens, Member  
Donna Sharrett, Member  
Manny Enriquez, Member  
Jason Mencher, 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  
Margaret Conn, Secretary

Dr. Hougham welcomed new Planning Board Member, Manny Enriquez and new Planning Board Alternate Member, Jason Mencher.

**MGM Design & Construction Group LLC, Minor Subdivision, 5 Hawkes Avenue, Re-Approval of Expired Resolution of Approval PUBLIC HEARING CONTINUED**

Ms. Monastra submitted and reviewed with the Board, Draft Resolution of Approval, MGM Design & Construction Group LLC, 5 Hawkes Avenue dated April 6, 2022. Mr. Ed Gemmola, Applicant, and Mr. Tom Kerrigan of Site Design were in attendance. Dr. Hougham opened the public hearing for comment from the Board and the Public. Mr. Ciarcia noted that the original document describes this as a three lot subdivision but there is already an existing house on the property and the application is for 1 newly created lot only. After some discussion, the Board clarified that there is only one new lot being created. Ms. Monastra will modify that part of the resolution to reflect same. Ms. Sharrett noted that the application will require further review of the landscape and tree plan and the requirement of meeting the Town's tree bank ordinance when they return to the Board for Architectural Review of the new home. Ms. Monastra noted this condition is in the resolution which requires the applicant to meet all sections of Chapter 183, Tree Protection, of the Town Code. There were no further comments from the Board. There was no one in the audience who wanted to comment on this matter.

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to close the Public Hearing for MGM Design & Construction Group LLC, 5 Hawkes Avenue, Minor Subdivision Re-Approval.**

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adopt the MGM Design & Construction Group LLC, Minor Subdivision Resolution of Approval dated April 6, 2022, as amended and discussed above.**

**Picucci Subdivision, Yellow Jug Corporation, 51 Croton Dam Road, Minor Subdivision PUBLIC HEARING**

Mr. Ralph Mastromonaco, PE was in attendance representing the applicant. The applicant is seeking to subdivide the property where two homes and driveway currently exist to create one new buildable lot and create a new private road which will access all three lots. The project is located in the R-15 One-Family Residence District. The project received a rear yard variance of 2.1 feet on February 7, 2022. Mr. Mastromonaco noted that at this time they are only addressing the subdivision, not any Architectural Review Board items. The three homes are served by public sewer and water.

**Picucci Subdivision Continued**

Ms. Monastra submitted and briefly reviewed items outlined in her April 4, 2022 memo which was submitted to the Board and the Applicant. The road design should get final confirmation from the Building Inspector in terms of the road width and the road design. There's some additional information requested last time that we're still dealing with and the sewer water facilities as well as stormwater management agreements.

Also, information on the Board's findings dealing with the parks and playgrounds recreation fee and how this particular application of complies with Chapter 183 Tree Protection. Easements should be provided to the Town Attorney for review and also dealing with the existing garage. There is concern with the access to one of the lots. This will need clarification.

Mr. Mastromonaco noted that they received confirmation that the twenty-foot road width meets the requirements the building inspector had referenced in writing. The Building Inspector's memo was read to the Board at the last meeting. In terms of the easements, there are easements that you see on the plan which are existing easements. They are not changing any of those. Ms. Monastra noted that the Board is just recommending a final confirmation from the Building Inspector. Mr. Mastromonaco agreed.

Mr. Ciarcia asked for clarification on the road width which is shown as twenty feet only up to the second lot, then narrowing down after that. Mr. Mastromonaco noted that in the fire code there's a limitation on the number of lots that have to be served by a 20-foot road so as soon as they get access to only two lots, it doesn't have to be 20 wide feet any longer. That is what was submitted to the building inspector.

Mr. Ciarcia said, if that were the case, it seems that it should either have ended at the first driveway or at the second, it ends in between. Mr. Mastromonaco said because the code doesn't specify driveways it talks about number of houses, so they went to the point at which there are only two houses. The way they read the code, along with the Building Inspector, was that it didn't go by driveways it goes by number of houses. Mr. Ciarcia said he's trying understand why it ends where it ends but ultimately it's the Building Inspector who needs to weigh in on that. Mr. Mastromonaco said, when you read the fire code, this is how you conform to the fire code, whether it makes sense or not is a whole other story. This is how it's actually technically written, and this is technically how we believe you would have to conform to the fire code. Extending it further creates extra disturbance. Dr. Hougham said he thinks the Board is leaving that for a determination from John Hamilton.

Ms. Zalantis noted that once this issue is resolved, it would make sense to see the agreement that's going to control that road so there's no issues with maintenance and also it would be helpful to see the water and sewer easements or at least get an explanation of the existing easements and if their changing in any way. Dr. Hougham asked if there are written agreements regarding the maintenance of the private road being distributed between the three properties. Mr. Mastromonaco said they would supply a common road easement and maintenance and easement agreements. Their attorney will provide it.

Ms. Sharrett raised concern with the existing garage location. It's strange looking, the way it comes out into the road at that point. It seems like it's going to be awkward to get around it. Also, Ms. Sharrett noted that she's really uncomfortable with that rain garden. It seems to be taking every bit of water from the new impervious surfaces. It's a big driveway and the big house, everything's going into this one rain garden, which is a fraction of the size of those impervious surfaces. It just seems that it would be so much more practical to have water from the house going into one place and water from the driveway going into another. The volume of water that's going to come down should go into different places. The Board looks forward to Dan's review of that, but it's very concerning.

Mr. Mastromonaco said the purpose of the rain garden was to take the impervious area of the house and the driveway but not the main road. Mr. Sharrett still thinks that it's way too much for that little rain garden. Mr. Ciarcia recommends picking up a bit of the Grass Crete to put a deeper stone base under there to try and get a little bit more of mitigation for that widening. Ms. Sharrett also noted there is no tree plan. Usually when the Board is looking at plans, there's lot more detail to look at then this. There's no inventory.

**Picucci Subdivision Continued**

Mr. Mastromonaco said, the new house lot is surrounded by vegetation and along Croton Dam Road it's essentially a dense forest and between the asphalt drive way going towards the neighbor there's also dense vegetation, a little thinner in width. There are plantings between lot one and a lot two currently. Their youthful now, but they would be growing up at some point. There's also a big difference between the elevation between lot two and lot one. The applicant owns a lot one and he lives there so there has to be some concern with separating those two lots. He's not trying to hide one house from the other because he owns both houses, but there is a line of bushes along lot one and a lot two. This would come up later at the ARB review when the Board is doing that review. At the moment, the applicant would like to subdivide the property and when we need to build a house there, they would certainly be back in front of the Board for ARB details. Mr. Enriquez asked if all the sewer connections are going to be independent for each house until it reaches the main. Mr. Mastromonaco said yes.

Mr. Brian Tschinkle, president of the Country Meadows Homeowners Association Board and resident of the adjacent lot 8 Quail Hollow Road raised concerns with a recently installed six foot high fence being erected. He had some questions from homeowners that border where this fence is and if the property had been staked prior to putting that fence up to know that it wasn't infringing on the common area.

Mr. Mastromonaco said, it says existing six foot wood fence, but he is not sure how they located it. He wasn't sure whether they used a survey, or how it was located, but it would show up on the survey of the final plat. Dr. Hougham asked if there was anyone else who would like to comment on this matter. There were none. Dr. Hougham recommended adjourning the Public Hearing to April 20, 2022 so the applicant can address memo items discussed tonight and any additional new comments.

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Picucci Subdivision 51 Croton Dam Road Public Hearing to April 20, 2022.**

**Welcome Homes NY Building Company LLC, 68 Somerstown Road, New Single-Family Home, Architectural Review PUBLIC HEARING**

Welcome Homes NY Building Company LLC (Applicant) is seeking Architectural Review Board (ARB) approval to construct a new single-family house located at 68 Somerstown Road. The property is in the R-40 One-Family Residence District. Plans and Application materials dated March 28, 2022 were on file.

Ms. Jody Cross, Attorney, Zarin & Steinmetz, Mr. Andrew Vaccarello, Civil Engineer, Welcome Homes NY Building Company, Mr. Vinny Curry VP of Design and Ms. Kate Ryan, Senior Director of Architecture were in attendance.

Ms. Cross gave a brief presentation of the project to the audience and the Board. This property consists of two lots. These lots were created pursuant to a subdivision that was approved by resolution in 2016 filed map in. The proposed home would be located on lot two or 3.2. It's about 1.3 acres and much of this property is constrained by a pond and wetlands and wetland buffers. The home being proposed does not encroach into the buffer. It's completely outside the buffer within the building envelope that was approved in the subdivision and that took some meticulous planning, since it is a very a tight building envelope due to all the constraints on the property. The only improvements proposed on lot one is a storm water basin discussed at the last meeting on how these two lots get tied together.

The prospective owners are willing to enter into a condition pre C.O. to record against both properties an easement and restrictive covenant which will tie the use of the properties together acknowledge that a single family home can't be built there pursuant to the subdivision even though it's a building lot, and stormwater easement rights.

### **Welcome Homes Continued**

The applicant did provide a draft easement agreement to Kathy, Dan and Valerie. Regarding the architecture of the home, it will be about 4540 square feet, it's a four bedroom three and a half bath house, again, fully compliant with zoning within the building envelope and provided photographs of surrounding homes within 350 feet and it's shown in that exhibit the surrounding homes are varied in size and in style. This home will be a very high quality construction it's neither monotonously similar and or strikingly dissimilar from the surrounding homes. Since the last meeting, the applicant has supplemented their submission to address some of the comments of the Board including adding the limits of disturbance on the civil plans, provided a lighting exhibit to discuss the proposed house lighting, it provided a comprehensive landscape plan and tree removal inventory and photographs of the existing screening on the site.

Ms. Cross acknowledged receipt of Nelson, Pope, and Voorhis memo dated April 4, 2022. The first comment had to do with the storm water, which has been addressed. The applicant will provide a cross easement and restrictions recorded on both properties to acknowledge the fact that no home will be built on lot one. The memo also stated that we need to show compliance with Chapter 183 of the Code, which is the tree ordinance so we provided a tree inventory. There are 10 trees coming down. The plan does show which trees were removing. They are removing 10 trees and planting 22 trees and other landscaping. Ms. Cross deferred to Andrew Vaccarello to discuss some of the landscaping. Also, the 2016 resolution approving the subdivision required a one-to-one replacement of any trees that are lost or damaged during the construction of the driveway and the plan proposes more than two for one. They understand there's a provision in the tree ordinance that requires replacement of 50% of the aggregate DBH. The applicant said they are not sure this provision applies because it specifically states in the tree ordinance that it's for subdivision and site plan applications and this is an Architectural Review Board (ARB) application.

Ms. Cross said, they did go through the exercise of calculating the aggregate DBH of the removed trees versus what we're proposing, and came up three inches short, so the applicant is willing to plant one additional tree. That could be a condition of approval and discuss if the board wants to see the tree in a particular place that would address the 50% issue.

The last comment of the memo recommended the applicant consult with New York State Office of Parks, Recreation and Historic Preservation (SHPO) because of the proximity to the Robinwood Historic District. Ms. Cross said this comment, they respectfully disagree with. It's important to note that these properties are outside the district, not in a historic district. There's nothing in the Town Code or anything else that requires coordination with SHPO. To say because it's in close proximity, it seems to just add another layer of time constraints and cost to go through that process of getting approval from SHPO and the applicant submits that with the landscaping that exists, the screening that exists, as well as what's being proposed there would be a mitigation of any impact if any. They are also in receipt of copies of all the letters from the neighbors. To address some of those upfront. A lot of the comments from the neighbors are relating to the subdivision itself, or site plan issues, and the application is just for ARB. This subdivision was approved back in 2016 it's a filed subdivision. There's no site plan review, just an ARB review.

When this subdivision went through this Board, it was thoroughly vetted and a lot of work went into it the design. The House complies with that subdivision approval. This conservation easement has already been recorded in reliance on that subdivision approval. Ms. Cross said they do just want to address the concerns because they want to be good neighbors so a lot of the comments pertain to this driveway that again was approved in the subdivision. There were comments about it being very long and very narrow. Ms. Cross pointed out that the 2016 resolution actually requires that any house built on lot be built with sprinklers and we are going to be building this one house with sprinklers and that should address any of the emergency concerns and as this board is probably well aware that's a rare condition to see for a single family house. I tried to go back to the minutes, to see what the discussions were but one can assume that was to address the potential concerns about the long driveway.

## **Welcome Homes NY Continued**

There were also concerns raised about how wet the property is, which it's definitely as a wet property, and that's why they will have this restrictive covenant here and the wetland buffers and were very careful to stay outside of that buffer. It's best to stay out of the buffer rather than have any encroachments. There were comments about where the house is sited and the size of the house, all of which are really irrelevant here because again it complies with zoning and there was reference to a house previously being approved that was smaller and frankly that doesn't really bind us to anything. This is a new applicant, a new home, and as long as it's zoning compliant, respectfully, that's what the Board should consider.

This application does show that there's substantial adequate screening and landscaping at being proposed and existing. It's not monotonously similar or strikingly dissimilar for any of the varied homes in the neighborhood. Ms. Cross asked if the board would, after the hearing, close the hearing and direct a resolution to be drafted. Ms. Cross asked Mr. Vaccarello to present the landscape plans.

Mr. Vaccarello shared the proposed landscaping plan proposed on the property. At the last meeting, there were a number of comments from the board about trying to make sure that we are increasing the resource value and also increasing the screening with the neighboring properties. That was really one of the main focuses with the landscaping plan proposed here. To maximize the diversity across the different areas, the landscape plan is proposing screening to the north and south of the home. There's multiple districts within the planting areas with different species that were chosen basically in conjunction with where sun exposure is available space, screen requirements and the wildlife habitat.

Mr. Vaccarello noted there is a naturalized woodland edge and screening planting zone to the south side of the site and that's to remain pretty densely shaded. They are proposing some additional screening along that southern side of the property and that is consisting of a number of shade trees. Additionally, there's a naturalized woodland edge on the northern side of the site just north of the home placement and that is going to be the landscaping. There's going to be increased landscaping. They are proposing some additional plantings in that area to increase screening in that location. The rain garden is being proposed to and it's using combination of water loving native shrubs, flowers and grasses. That's going to help naturally filter the runoff that's collected from the roof and the impervious surfaces and it's getting water filtration in that area, which is going to meet the requirements outlined in the code. The resource value at the pond edge is going to be increased by adding multiple plantings in this area. That's going to consist of .2 acres of New England conservation wildlife meadow. That's a seed mix and that is going to definitely increase the resource value of the area and provide some additional filtration before any water gets to the pond. Across the site there's 22 trees are being proposed and a total of 91 shrubs are being proposed. There is a substantial amount of planting that's in the wetland buffer to again have the resource value of the property increased with respect to the wetland and adding any filtration before any of the water gets to the pond and then again like Jody had mentioned there's 163 caliber inches of trees that are being removed. To accommodate the development and we are proposing trees to replace that with about 78 and a half caliber inches. The plan will be amended to increase the planting by adding one more tree to fully comply with that requirement.

Mr. Mencher, new to the Planning Board, raised some questions about the tree removal and tree plantings. Mr. Mencher said he did his best to get up to speed and looked at the Dropbox. There was a letter and various exhibits and looked at the tree removal inventory. He asked the applicants to show the board and the public where some of those larger trees specifically a 35 inch red maple being removed. These are all indicated as healthy and it indicates they have to be removed for purposes of developing the property. Mr. Mencher wasn't able to reconcile exactly where these are coming out and would like to know.

In response Mr. Mencher, Mr. Vaccarello noted that the one tree mentioned, which is the 35 inch tree, in caliper, is located right on the edge of the driveway location, that will need to be removed to accommodate the development.

**Welcome Homes NY Continued**

Then most of the other trees are in the location of where the driveway comes into the remainder of the site, so there are three trees in this location (pointing on screen) and then further down the driveway there are additional trees along the proposed driveway along the flagstaff portion of the site. Those trees are going to be too close to the proposed driveway the root system may be damaged and they may be compromised and they may not make it through the construction, so they're planting appropriate replacements for those and just planning for that ahead of time. The construction activities are too close those areas, and they are not going to be able to remain with what is being proposed.

Mr. Mencher asked Mr. Vaccarello to go back to the one larger 35 inch red maple seemingly where the applicant would like to put the driveway. Is there no way to avoid that because it's a 35 inch tree that's probably a pretty old growth and adds some valuable habitat for animals and shielding for both the applicant and the neighbors?

Mr. Vaccarello said they spent a lot of time with the exact placement of this home. There was a number of factors that went into the placement, including the building envelope, the wetlands buffer and things of that nature. This was the best configuration to be able to accommodate all those constraints and yet the tree is too close to develop the area. The driveway comes right up to that area, so they don't see the potential to be able to save that tree and propose this home here. They are just not able to keep that tree. Mr. Mencher thanked Mr. Vaccarello for answering his questions and said he wishes there was a way to avoid that.

Ms. Monastra clarified the comment in the memo in terms of the State Historic Parks Office (SHPO) this is recommended to address concerns. The Board did receive a number of public comments concerning the architecture and the massing of the building. Ms. Monastra said one option that the Board could consider is asking for a consultation with SHPO and for SHPO to review the proposed building versus the historic district. Another option, again part of this is to make sure that the proposed building might not even have any sort of visual impacts on that particular historic district and if the applicant wants to provide some additional documentation to satisfy that to make sure that the public is understanding the fact that there won't be any visual impacts associated with this project, that's also another option as well, so there's a couple different options. Ms. Monastra was just raising that because it is something that is something the public raised. Dr. Hougham said his view on that is to have SHPO weigh in on it which is probably the easiest and cleanest and most thorough way to address this. This is what Dr. Hougham would support. Ms. Cross asked if coordination with SHPO will be a condition and not hold up any approval of this house, they would be willing to do that consultation, but don't know what their timeframe is.

Ms. Zalantis clarified to the audience, that in this case the planning board previously granted subdivision approval and previously granted a wetlands permit. The issues that are being raised are really outside of the scope of the Board's purview because this Board currently is just sitting as the architectural review board (ARB) even though it's still made up of the same members, it has a different role than the planning board. You did hear from the applicant and part of the inquiry that this Board takes is whether it's looking whether it's in harmony with the surrounding homes or would they be visually offensive or inappropriate or the quality of designs if it's too similar, or dissimilar. Those are the types of standards that this Board looks at as the ARB. Really the issue of the wetlands, that has been addressed and permits have been issued with respect to that. Also, in reliance upon the subdivision, the applicant entered into conservation easement so the applicant has acted in reliance upon the original subdivision documents and if not for that subdivision application that was granted, there wouldn't be the conservation easement. That was a different stage of the process than where the Board is at right now. Ms. Zalantis urged that the Public and the Board to understand that the focus of this approval is solely ARB.

Mr. Ciarcia agreed with Ms. Zalantis, he said a lot of this was looked at during the subdivision process and now they are looking at this particular application in terms of the amount of stormwater runoff and the facilities they are proposing to mitigate that.

### **Welcome Homes NY Continued**

Mr. Mencher acknowledged that he wasn't around at the time of subdivision approval. Ms. Sharrett noted, as far as the historic home goes, it's not in that district and when looking at the district there are a few homes that aren't in that style on Tavano Road, so this house, if you were holding this House to the standard of the majority of the houses, it's not the standard of all the houses but that's too restrictive to tell somebody they have to build a mid-twentieth century home on a new lot.

Ms. Monastra clarified that they are not asking the applicant to adhere to any sort of historic guidelines or anything like that because they're not within a historic district, nor is there any regulations for it. It really just focuses on whether, for example if there are visual impacts associated with it. Let's just say it was 100 story building that was going on right next to historic district then SHPO would say "okay, maybe there's going to be visual impacts associated with the new building versus the historic district". It's really a matter of visual impacts from Tavano Road. It's really just a matter of concerns about the visual impacts from Tavano Road with the new building and so that was completely up to the Board, but that was just a suggestion as a way to handle those comments. Ms. Sharrett said she thinks the house is too large. The house is 31 feet high

Mr. Bossinas said, I kind of agree with the applicant, I don't think the Tavano houses, if they are lower, they are not much shorter than this house and just a typical two story with the roof is going to fall into that into that ballpark. As far as I'm concerned, the house is compliant with the zoning regulations which it is. They've addressed most of the issues that we brought up last meeting and we appreciate the screening and the fact that we're talking about **not** trying to shoehorn in another house in there after this one on this property, I'm comfortable with what's been presented. Ms. Stevens, said I'm sorry we can't save the sugar maple tree, other than that, agrees with Mr. Bossinas, it fits the envelope they've been given and actually in her opinion, it's a nice looking house. Ms. Stevens thanked the audience and the Board.

Ms. Mencher said it seems like the fact that sprinklers are going to be involved in the house, which is a great thing. It acknowledges that it's a thin driveway so it could be tough for emergency vehicles to access it not impossible, but difficult, so I guess that raises the question for me how construction vehicles are going to access this site along that driveway without impeding or hurting other trees in that process, or on the neighbors. I would like to ensure there's a plan in place for it. I'm just curious to understand how that might work and I understand that's not necessarily the purview of the ARB.

In response to Mr. Mencher, Mr. Vaccarello said the plan route for construction vehicles is to come in where the proposed driveways located. They're going to be following that same path that's shown on the plan. They're going to have to make that work. That's the only planned access for the site and that's how we are planning to get construction vehicles in there. Mr. Carrino said pretty simply they're all the construction vehicles or street legal vehicles, so anything that's going to fit down a road is going to fit down the driveway. It will have crushed stone on the driveway while working there and then upon completion it will be a finished driveway for the customer.

In response to Ms. Sharrett's concern with building height, Ms. Cross noted that this is a typical two story house. It's conforming to the zoning code and it's actually lower than what's permitted under the zoning code for the R40 district which has a maximum height of 35 feet, this is actually under that. Ms. Sharrett thanked the applicant for making the change to the outdoor lighting. Also, with the photos that were sent, it looks like there's a lot of vines on the trees, I would assume that the new homeowners don't want to have that so it would be great to have all of that removed because that is visually unattractive. Ms. Sharrett recommended placing another tree where they are showing a soil stock pile which is close to the tree mentioned earlier, the 35 inch red maple and maybe a tree by the other trees where Mr. Mencher was mentioning that are coming out because of the road construction. That seems like it would be a good place to put back a tree. The big issue is that there's being plantings proposed near that pond. In the area that was filled, this is a very unusual because it was illegally filled the pond was much bigger and it was filled in and now I'm worried because it was done illegally. No one ever determined what it was that they filled it with. When you look at the GIS maps it looks like nothing's grown in the 30 years since that's been filled 30 plus years. I'm wondering how viable that soil is. I'm questioning how successful the plantings will be. I truly think as part of this ARB those trees are important and I think that the soil should be analyzed. There should be an analysis of how deep the fill is down to the native soil level.

**Welcome Homes NY Continued**

It was recommended by Ms. Sharrett that the percolation of the soil should be determined, particularly if putting in a rain garden and all those plants. If the soil isn't functioning as it should and the plants aren't going to function and they're not going to live on, so that should definitely happen, especially when you have a storm water basin there. I think you have a lot of really, really great plants proposed but I am worried about that because looking at the GIS and I see between 1976 and 1990 there was major filling was done and it looks like, again, fill came in between 2004 and 2007 and then between 2016 and 2018.

Mr. Vaccarello noted on their landscaping plan they have a pretty comprehensive list of construction details for how things are going to be installed so, for example, a lot of the plantings that are proposed right on the pond we're proposing 24 inches of suitable topsoil material that's going to help those plants really thrive in that environment, we did put a lot of thought into how this is going to be installed to make sure those plants are successful and we're definitely trying to take into account your feedback from our last meeting. So hopefully that addresses your comments. We're not planning on changing any of the grades in an area so to be able to get those plants to really thrive. Some are to provide that screening so yet depending on where those are planted it's really to kind of give some resource value.

Ms. Sharrett added that the house is too large and would like more than a one year guarantee on the planting plan. Dr. Hougham asked the applicant, if they're willing to agree to three years, and more recently a guaranteed lifetime on the plantings, he asked the applicant if they were willing to agree to that. Mr. Vaccarello said yes, they can agree to that. Dr. Hougham opened the hearing to the public:

Mr. John Scibilia, 70 Somerstown Road asked the board if they were familiar with the property across the pond that had trees with pink ribbons on them. The applicant responded that they are not familiar with what the pink ribbons signify on the other property. Mr. Vaccarello said there are 10 trees are noted with the X mark on those, but anything else beyond that is not for removal but again doesn't have any knowledge about the pink markers.

Mr. Enriquez noted those are trees that the city identified to be cut, because they're in the line of overhead wires basically. Mr. Scibilia said he'll keep eyes out to see what that mystery is. The other question is with respect to screening. I saw much screening planned for the North East, which isn't where our house is in relation to 68 Somerstown Road and I may have missed it and I apologize but any screening for us? I saw the concern for the other two houses but I'm not sure I heard that for us 70 Somerstown.

Mr. Vaccarello said they did a pretty comprehensive review of what existing screening was on site from different vantage points and we were trying to satisfy the board's requests on those matters but also you know, be aware of the surrounding neighbors and our landscape and plan we feel does comply with as much as possible. Dr. Hougham asked that Mr. Vaccarello shared his screen and pointed out screening for Mr. Scibilia's property at 70 Somerstown Road. Mr. Scibilia said he's glad to see there's going to be some additional screening and also said he thinks the house is too big. Mr. Scibilia thanked Mr. Vaccarello and the Board.

Ms. Beth Cohen of 6 Tavano Road asked if the property will be serviced by septic or sewer and also the propane tank of 500 gallons? Also, the electric has to run through the driveway and how that will work?

Mr. Vaccarello said the utilities are public water and sewer that's available on the site, the water and sewer lines have already been installed prior to this application coming forward, so it is plan to tie into the house. There is a propane tank that's going to be buried on site to provide service for appliances within the building and electric service is also going to run up the driveway.

Ms. Cohen was also concerned with a different property with a beautiful pond I don't even really know what happened there, but it was it's really quite disturbing to drive by there and see what had been done to it, so I got a little concerned. I don't know if this is also beyond where we can be but who keeps an eye on this dig out of the 24 inches and the replacing of the soil, so that this doesn't become a beachhead like a previous neighbor decided to do.

**Welcome Homes NY Continued**

Dr. Hougham suggested contacting the building department, John Hamilton, but regarding the neighbor you referring to with the beach head, they received a fine and had to remediate what they have done.

Ms. Cohen said she's just making sure that the Board takes really into account what that property is and really appreciates it and honors it so that it at least whatever needs to be done it doesn't start pouring out to the other neighbors which is not really her property because it would take a lot of flooding to get to her, and also Ms. Cohen noted that she is one of the guilty parties that owns a large home that's probably pretty close to the size that this is.

Ms. Shanti Vargas, 13 Tavano Road requested additional screening along their property line with the property. She said there's a gap on site with no vegetation or trees, or anything right between her property where there is a very large cleared out area where they see directly to that property. The front of Ms. Vargas' house directly faces this empty space, right on the corner.

Mr. Vaccarello said the landscape plan was really focused on two things to increase a resource value and to provide screening to the directly adjacent sites, or properties. We are going above and beyond the number of trees that are being removed. We're actually more than doubling our trees are being removed and we mentioned that we're going to add one additional tree to make sure that the calculation for the calipers being addressed.

Ms. Kate Ryan, of Welcome Homes said there's really no windows on the side of the house that has a direct line to the gap between the trees. Ms. Ryan asked if Ms. Vargas is concerned about seeing this house and concerned about being seen by the house. Ms. Vargas said yes, both during construction and after and just wondering when you're talking about providing the screening for neighbors why is that even relevant if it's really just about re-planting trees that are being taken down. There's going to be a lot of construction now and now there's going to be a house there that we saw before from and vice versa. Ms. Cross clarified that the goal here was to screen the houses that are in close proximity, not necessarily block the houses in close proximity. It seems that 13 Tavano is quite a distance away from this house.

Mr. Ian Londin said, I'm actually much closer! My property runs deep and long. I go from Tavano Road further back more than rest of the properties and when I am in my backyard, I am looking directly upon that sugar maple tree that is old, and big, and beautiful. It amazes me that you can't get five more feet in there. We were going to have a great exposure to this building project, up there is an open field. The trees between us and we're proud of land that you're looking to build on. We are going to be greatly impacted by it. I'm very concerned about the propane tank. It looks like you're planning on putting a propane tank just outside the corner of my property and I don't know if that's going to be above ground or underground who's going monitor that. I can say that it does seem to be a big shortage of screening in that area, compared to the way it's been. I'd like to also request more screening. Everybody already knows my ground is soaking wet. I cannot grow grass and there's an enormous amount of wildlife. I have very, very big concerns about what it means to build a house with that much weight on it, and even if there's a consideration, we haven't even talked about the width of it and how it could sort of take away from the landscape and you will certainly impact everybody's view but I don't have the right side with respect to avoid but the view of one story and the historic district they can determine that, but again, I'm very, very nervous about all the things that are about to plant next to me. Can somebody talk to me about the propane tank what's going on with that?

Ms. Vargas, 13 Tavano Road, said this is about what you're shielding neighbors from because, again, you know right now there's nothing in our line of sight. I can't view into a property because there isn't a property there, and vice versa, not to mention the construction that's going to be going on, the noise it's clear access into my property and that pond right there. We utilize that pond, it's very close to that house. I need to understand that better. I need to understand why.

**Welcome Homes NY Continued**

Ms. Monastra suggested to Dr. Hougham that the public address questions to the board. It might be best for them to express their comments, we take notes on this comment and then, if there are specific comments that you want the applicant to address then maybe that would probably be a little bit more efficient. Right now there's a lot of back and forth going between the application and the public, and where it might be more helpful to this board and its deliberations that the comments are directed towards you.

Dr. Hougham addressed Ms. Vargas and said we will ask the applicant to address that screening from your property in one way or another.

Ms. Jess Wright, 62 Somerstown Road, had a question specifically addressing the driveway. I have a long list of concerns about this very narrow long driveway running directly up against my very narrow long driveway which I know the practical difficulties of you living with and, and I have concerns about how a new home is going to have all those same concerns on a greater scale as it is more narrow and substantially longer so you've addressed sprinklers for the fire department fine, even though that doesn't seem sufficient when you have the propane tank. I would like to know about frontage, where does the mailbox go, where does the trash get picked up? I don't believe they have sufficient entrance to the driveway. I'd like to know about the reinforced entrance at Somerstown Road with the driveway. That's on your the civil plans and if that's required. I'm curious why that's not required for the entire length of the driveway the area, that's right next to my driveway, which is already has its own natural stability issues. It's a very wet property, I have run off concerns, flooding concerns, and there's an issue with my fence, which I only had to install because the people who would come and tour this property were turning around in my backyard where my kids are playing. We put the fence up to deter that and I've seen others drive down my driveway. Those are my primary concerns. We also have the ongoing issues of extremely wet soil it doesn't seem prudent to build there and I understand that this is not a comment about the subdivision, which seems to be of questionable provenance that is the extent of my questions for this time.

In response, Ms. Cross said these are all site plan issues that were addressed during the subdivision process and isn't within the purview of this board as in they're sitting as an ARB. I will defer to Kathy on that. The driveway is an approved driveway and we're utilizing what's been approved.

Ms. Wright said, I would like to know one follow up, then I do have a survey from last year, which I cited in my letter which provides that my property and actually at the right side, I'm not sure which direction that is the right side of the proposed easement driveway. That was done prior to my living here, so you say that was that was done pre-existing. I still have concerns about what was approved.

Mr. Vaccarello showed the area on screen. The area has an easement access way is actually not the correct notation, this is actually part of the property limits of the subject property of the application. This map was prepared by a surveyor, which is all based off of the recently filed map that was submitted to the county and that was all reviewed by the municipality before it was approved and filed so that is not correct the property line actually the property does extend all the way down this way and it is their property.

Ms. Wright responded with the following: Okay, well, I can't speak to why it's written as an easement on my survey that's fine let's go with that can we talk to you what the practical implications of where does the mail go and where is the trash going?

Ms. Cross addressed Dr. Hougham and said, I defer to you, whether you want us to answer these questions that go beyond the ARB review.

Mr. Steve Rudemyer, 56 First Avenue, raised a question that may have been addressed but is concerned about the pond and as it comes from Somerstown Road. Whose responsibility is maintaining the public or private and then any flooding on the on the road which was property over here, who would handle that?

**Welcome Homes NY Continued**

Dr. Hougham said that definitely a site plan issue. Generally speaking, the owners of the property are responsible for flooding issues that emanate from it, but that's beyond the purview of our ARB so it was recommended that Mr. Rudemyer address that to the building department. Questions with regard to the submitted a subdivision can also be addressed by the Building Department. On this site plan it's a private road.

Mr. Andrew Brodnick, Attorney for Jean and Desmond Fitzpatrick, 7 Tavano Road: Yes, good evening, my name is Andrew Brodnick I represent Jean and Desmond Fitzpatrick who live right behind on the South side of the border of this property. Jean and Desmond Fitzpatrick would like to be heard, I just wanted to make a brief statement about what I think is a very important to right up front as the applicant has concerns. Their proposal to develop consistent with the plan that they've submitted renderings the first lot and buildable so really what we're dealing with in essence now is really a single lot subdivision and I raised that because currently, where the property is cited, is very, very far back from Somerstown Road and, as you can see from this, is located directly behind my client's house also directly behind 70 Somerstown Road, that gentlemen, John Scibilia who briefly spoke before. Clearly, and obviously, there's been a lot of history to this and there are a lot of environmental concerns that for Jean and Desmond Fitzpatrick. We know how to address this during a subdivision process, but I do think there's an important issue for Jean and Desmond Fitzpatrick for the architectural review board to concern itself with and that is the location of the house. The house is basically almost as far back as you could possibly push it. You could move this house closer to Somerstown Road so would not be directly behind my client's property and not directly behind 70 Somerstown Road and would also shorten the length of the driveway which would decrease impervious surfaces and certainly this is something that goes directly to the purview of the architectural review board.

Dr. Hougham said the reason the house is far back as possible is the wetland buffer zone, and it is right up against that buffer zone. Mr. Vaccarello said the house is situated in such a way that we're within the allowable zoning setback requirements and also the wetland buffer requirements, so we are trying to place the home to avoid all those constraints and we found this is the best configuration for that. Dr. Hougham said if you look at the plan there seems to be what looks like a back porch or a patio and the wetland buffer so there's no wiggle room there. The site plan and the location wetland buffer and the house in relation to it, and it is the House is located just outside the wetland buffer and there's really no wiggle room there.

Mr. Brodnick said he thinks that if you look at what was the other lot now is rendered undevelopable it was inevitable that house was going to be located in the buffer zone and in fact looking over the approvals that were obtained in 2016 and they did get a wetlands permit. I'm not clear exactly what their permit was for. If we know that the other house, which is now not going to be built, which was inevitably going to be in the wetlands buffer, I don't understand why this house can't be moved so that it's located in a more reasonable position now that you've got essentially a one lot subdivision and so basically what they're doing is they're clearly was going to involve originally one house being in the wetlands buffer, so I certainly think in light of the fact that this is so inconvenient, if we located that going into the wetlands buffer would be a better way to look at it.

Mr. Bossinas said we've actually made an improvement, given that it's not in the wetlands buffer. Mr. Brodnick said he understands that, but there was a wetlands permit that was granted. Mr. Bossinas clarified that everything about this project is zoning compliant. We are not in the wetlands buffer and the idea of moving this house into the wetlands buffer does not seem to be a positive, even though I understand it might be a positive for your client. But as a project, overall, we are not required to completely screen this house from every neighbor and we live in neighborhoods where everyone can see their neighbors. We don't need complete screening and we certainly don't need to be moving the house from a zoning compliant location to a house that's in the wetlands. It's actually in a better location.

### **Welcome Homes NY Continued**

Mr. Brodnick said were not talking about violating the zoning code, we're talking about obtaining zoning permits, a wetlands permit, which apparently was granted when subdivision approval was granted, it wasn't clear exactly what kind of intrusion that was going to precipitate, but I think clearly some kind of even modest intrusion, which would locate the house better is going to have a very, very, minimal impact on the lot, particularly because now there's never going to be a second house so it's a little discouraging that the planning board hasn't and I don't know if they have staked out the property to see if possibly there's a slightly better location, even if it may go into the wetlands buffer. Look how much less intrusive it is going to be result of this development, because the other lots not going to be developed and again had it been there was inevitably going to be intrusion into the wetlands.

Mr. Fitzpatrick, 7 Tavano Road, said the house, as currently situated is directly behind his and that is not in keeping with the neighborhood it, this is not Levittown. That house is dead behind our house like a domino. It could be moved even a few feet, it would make such a dramatic difference. I would also like to add that the alleged screening does not screen us, it is shrubbery, if you look at the chart and compare with the key everything that is supposed to be screening for us is actually shrubs, not trees and we are losing our beautiful maple, which is an old beautiful tree. There is very little concern here that we see for the beauty and harmony of the landscape, which is what this neighborhood is about, mid-century modern or mid-century. I would just like to make some additional comments. There's a lawsuit currently about the site plan. Can building proceed if the lawsuit is still in place? How does that work? What is the sequence that actually has to happen, because if that site plan is overturned. They would have to start the whole process all over again? So what is the sequence, can the building begin unless the actual lawsuit is resolved and can somebody enlighten me on that? Ms. Zalantis said, we're not going to be giving any legal opinions tonight and we're not going to be talking about the implications of the lawsuit.

After more discussion about the large red maple tree, Mr. Fitzpatrick continued: Whatever the size, I still don't understand the reasoning behind why that large maple tree is simply expendable as opposed to moving the house x number of feet. It's a beautiful tree and it's just in terms of environmental conservation. We've lived here for 30 more years there's 44 major sets of mammal types who love this place, everything from Canadian geese to deer. It's a nature haven, you don't have too many of them anymore, so simply putting this in, I have a lot of concerns, that's number one, keep the maple tree number two. I don't exactly know what the constraints of a site plan ARB. The prior house at around 2200 square feet, this house is double supposing it was 14,000 square feet. What is the limit that is allowed by the planning board did you grant a maximum and is it exceeded by if 44,000 square feet. It's shocking to me, the other thing I want to make clear is this claim of 35 feet. Go look at the neighborhood, the neighborhood on Tavano Road, none of those houses, with the exception of the one at the very end or on both ends of both sides, are anything like 35 feet or 31 feet. It's ludicrous to say it fits in with the neighborhood. I don't know what neighbor they're talking about, but in terms of Tavano Road, nothing is remotely like that. I would just want to emphasize that I know people have talked about this property. Let me give you three examples; my neighbor said today that they were fishing there, as they were able to fish in the backyard right behind our house in the pond, that was there right, we love this property and that's exactly why we're in the middle of this lawsuit which by the way was a miscarriage of justice. I feel for the Grants because they're stuck in a very awkward position, but the fact is they got hoodwinked by the prior owners by selling them a dumb idea, okay now, secondly there was massive flooding in the house next door right, massive flooding, to the extent that 10,000 LPs were ruined in that flooding, so when there's major rain, there is major flooding. I want you to be aware of that, thirdly, I can remember a couple of years ago I went out and did a video of what this property was like after heavy rain. You cannot imagine it was squish, squish, squish, squish, everywhere, this is basically completely saturated property. So the idea of kind of you can salvage it by taking two feet up is kind of ludicrous, in my opinion, there were puddles everywhere, after the rain, I encourage the board before they kind of go their way and approve this to just walk there after heavy rain and experience what this place is absolutely like. It is a haven for wildlife, it is a marshland and whatever combinations they want to make to this client who sort of stuck in the middle.

**Welcome Homes NY Continued:**

Mr. Fitzpatrick continued: I have asked from the applicant, which they refuse to do, was do a visual of what it looks like, I heard somebody who was advocating obviously doesn't care less. Thank you Jim, for not caring what it looks like from our perspective, but we do. So my question to you is what does the visual look like when you plant a few shrubs in front of our house. The reality is the idea of taking down the maple which at least provides partial blockage of the house and the prior applicants had agreed to put up major trees in the area right between us and the house to provide adequate screening, I asked the applicant to kind of zone out where the house was so we could map and take photos and what the impact visual impact on us and next door and I got a response saying, we don't have to do that, well I'm asking the board to say they should stay out where it is and make sure what the visuals clearly are to 7 Tavano, 5 Tavano, and Shanti's House, 13 Tavano. Shanti also was just disregarded like, well we've done enough, well, maybe you haven't planted enough trees and you need to plant more trees and maybe then we can come to some accommodation okay.

Ms. Jean Fitzpatrick said if the house could be moved, even a few feet it would be such a dramatic improvement in the previous house built right in that. So the idea that it can't be moved is bogus, sorry.

Dr. Hougham asked the applicant if they could provide something for better screening. Perhaps taller trees. Secondly, Dr. Hougham asked if they can keep the large maple tree right next to the garage but if what if you did reasonably extensive pruning it could provide some nice shading from the South to your House some natural air conditioning and it might be very, very pretty might be an advantage to your client.

Mr. Vaccarello said they would be open to modifying some of the proposed plantings in the area between 7 Tavano and the home. Their preference would be to not add additional plantings because we are you meeting the requirements set forth by the board but we'd be glad to look at alternate species to put in there to make sure that they have sufficient screening. In answer to your second question it's my opinion that I really think that tree is too close to the proposed driveway. That it's not going to be successful if we were to attempt to try and keep that tree. I'm a very big proponent of trying to keep landscaping, where possible, but I just I wanted to be realistic, that I think that it's a little bit too close. It looks like there's an extensive root network that would probably be compromised by the construction so it's my opinion that would be not salvageable.

Ms. Sharrett said I would love to keep that tree if there was a way to do it and the way to do it is to make the house smaller and make it more similar to the other houses but the screening is definitely an issue and I think that maybe it's me that was confused, but screening is an ARB issue and the replacing the trees is a different issue, so what I think that I'm concerned with is that the screening is not being addressed and I don't think it has to be to Jim's point is well taken, I don't think we have to put up a wall of screening, so that nobody sees anything because that really isn't what exists around here for the most part, but I do think there can't be this big open space like from where you have the some of the other trees and then there's this big open space to the corner. I do think it's reasonable to put some trees in there and I think it would be reasonable to put trees that are going to be as grand as that red maple. There's several of these trees are going that are going to get 20 feet tall, 20 to 30 feet tall. That wouldn't do anything, so I would think that need to be replaced with large trees, eventually they're going to get to be large trees and then also in that empty space, there needs to be some trees and I think that is what the residents are asking for. You're giving a lot of screening to the people on the Tavano Road side. Also, Ms. Sharrett asked the applicant if the propane tank is being buried. Mr. Vaccarello said yes, the propane tank is being buried. Ms. Sharrett thought that was illegal, not sure if you were allowed to have buried tanks. Mr. Carrino said it's not in the wetland and a gas can be buried legally, as opposed to an oil tank.

Ms. Fitzpatrick: The House has sprinklers because fire engines can't come up that driveway effectively because it's hard to tolerate that weight under with the wetland, how is the propane tank going to have sprinklers? How does that work? This is a heavily wooded area with a propane tank.

Dr. Hougham said based on Ms. Sharrett's thoughts, if understood correctly, taller trees should be replaced there and the house that we originally approved for that site, we did have much more extensive screening, I remember that was a long discussion negotiation and it ended up with quite a lot and I don't see why it should be different this time, so I would ask you to recommend to put something additional screening taller in both of those locations for our review at the next meeting.

**Welcome Homes NY Continued**

Ms. Cross said she'll defer to her client if that's acceptable to change out those species and to add some additional trees in that open area. Mr. Vaccarello said yes, they would be glad to incorporate that feedback.

Ms. Sharrett had one more comment and brought this up before and this is it's unfortunate it's going to be a kind of a burden but when all of the animals are brought up, of course, we all have those throughout Ossining and several of them like to eat new trees, namely the deer. There is going to have to be some protection on these trees, so that's going to have to be considered in the planting notes and how that's going to be addressed.

The next speaker was Ms. Vanessa Pairis: Good evening everyone we're actually the applicants that are hoping to build this home, we just wanted to say thank you so much for the board for their time this evening I know it's been quite an eventful hearing but we feel really confident that our team has heard the feedback from our neighbors from the board they're addressing it and we're just grateful for your time and attention on this.

Ms. Cross asked the Board if they were to change out the species and put additional plantings at the next meeting would like to request a resolution of approval. Ms. Monastra said if the plans are submitted and the Board is satisfied, I think my biggest concern is when there's a lot of changes that still need to be made, and then, when we start adding a lot of conditions on to the approvals that's where you know Kathy and I tend to like to see then revised plans prior to the adoption of resolution.

After some discussion with regard to where screening should go, it was suggested by Dr. Hougham that the Board would like to see a sheet with a plan that shows the house and includes all of the Tavano Road houses that are under discussion in a plan, not a photograph but a plan that shows surrounding screening is going to be.

Mr. Vaccarello said our plan is to go above and beyond, and trying to add additional plantings to make sure we get that level of screening, so I think what my plan would be is to fill in some of the areas discussed. Our plan would be to get a revised copy of this that really fills in this area changes out the planting types to get the dense cover that for that additional screening. As far as architectural review, Dr. Hougham asked if the applicant would consider reducing the size and height. Ms. Cross was in disagreement with this request as the home is zoning compliant. The applicants will return to the April 20<sup>th</sup> meeting of the Planning Board.

**River Knoll 40 Croton Dam Road, Multi-Family Development, Completeness Review of Supplemental Draft Environmental Impact Statement SDEIS**

Mr. Glen Vetromile, Applicant, was in attendance. Ms. Monastra submitted and reviewed a memo dated April 4, 2022, outlining some additional concerns and items that need to be addressed in order to deem the DEIS complete. Variances and waivers need to be identified on the alternate plan. The original completeness review specifically asked for all steep slopes and wetlands to meet the code requirements of subdivision chapter 176 Section 18 F one and two and those while the applicant did provide calculations, based on site wide calculations, we are really specifically looking for individual lots because that's really how the code reads it focuses on the individual lots, not necessarily a site wide calculation. As part of the continuous review, we asked them to update the layouts if those codes cannot be that, based upon the current layouts that they had identified and that has not been done. The visual analysis specifically dealing with some of the public streets from the neighboring neighborhoods and those renderings have not been finalized. The applicant is here tonight to demonstrate some 3D imaging, but we're still looking for some of those renderings specifically from some of the neighboring properties. The public right-of-ways as well as some of the streets and then, finally, the retaining walls that was something else that was identified by this board specifically identifying the lines and heights of the retaining walls and while the applicants did refer to a particular plan they did not specifically identify the heights and lines within the document, nor is it really easily identifiable on the plan itself.

### **River Knoll Continued**

These are some of the broader topics. The remaining comments we identified have not been yet addressed and recommend the Board still deem the SDEIS as incomplete. The other thing provided to the Board is a traffic analysis and the completeness review with a few remaining comments associated with the traffic analysis prepared by Kimley Horn, dated March 28, 2022 which was submitted to the applicant and the Board.

At this time, Dr. Hougham asked Mr. Vetromile to present the 3D modeling and the renderings and then can get back to questions from the board. Dr. Hougham reminded the Community that this is not a public hearing. Only after the applicant addresses the issues that are discussed in the memo, and any other items that might come up tonight or at a later meeting, we will be able to accept the SDEIS complete and then we'll open a public hearing.

Within this presentation, there are various vantage points shown. Mr. Vetromile pointed to the area through Grandview Avenue and then Narragansett Avenue. The main current entrance is being maintained. An emergency entrance is proposed but it will look like grass.

There are two cul-de-sacs, one that winds up to the top of the current hospital building. Then there's the old admin building, a maintenance building, and the doctors home. This cul-de-sac runs up to the top, all of these townhouses would have a views of the Hudson River. Mr. Vetromile said they've been very careful to maintain the front green meadow so it's pretty much the same as you will see it today. There will be swales that will be for water storage. There's one wetland which is a small wetland down in the corner and all of the development is outside of the required wetland setback. At the entrance there is a clubhouse. They're proposing a club House with a pool with landscaping. It's about a story and a half clubhouse. All of the architecture is what we call modern farmhouse style. There's this fairly significant rock outcropping that will stay the same. Looking west there's an emergency road. It's access for emergency vehicles if there's some event where that main entrance were blocked off, we think that's remote, but we do have a breakaway bollards and a fence here. Looking at it from Second Avenue, looking up to this, the property today there are buildings set up here and the actual tallest building is about another 10 to 12 feet taller than our tallest building.

Mr. Vetromile said they've taken care in maximizing the sightlines to joining properties, as an example, the Pershing Avenue homes are all set about 20 feet or so below these homes here with extensive green buffering, these homes will not see this and similarly the homes that backup to some of the other property lines. They have created a very significant green buffer where there exists a building that was a game room for the hospital. There's all parking in here right now. There's a basketball court that sits here today. All that goes away and they are putting in a green buffer. The distances of these green buffers are extensive. They're trying to maintain a green buffer recognizing that people are always sensitive to the joining neighbors.

After the presentation Mr. Vetromile offered site walks to new Planning Board members. Mr. Ciarcia noted that he will be taking a deep dive into the storm water. This was done on the previous application. There's less impervious surface with this one. In that review we already talked about the retaining walls which we want to make sure it's done properly. The offsite drainage was also reviewed under the prior application, as was the water supply and sewage disposal issues.

Mr. Vetromile said yes, they are trying to avoid everything so the homes on First and Second would not see a big retaining wall. They ended up lowering these units and that the backside of these will be the foundation and not retaining walls. They're not going to have separate retaining walls there.

Ms. Sharrett noted that she agrees with Ms. Monastra's memo findings that the SDEIS is incomplete. Also, Ms. Sharrett doesn't feel this meets the objectives of the Comprehensive Plan which refers to the lack of more affordable housing. Eighty percent of this project is high end housing and there is not a high end housing crisis in the Town of Ossining. It is inappropriate to say that it meets that objective. This project does have potential to meet the comp plan sustainability objectives by including things that you're not including like electrical charging stations, heat pumps, electric appliances, electric landscaping equipment, detention basins and meadows with high wildlife value habitat. Not lawns. Also, the prohibition of landscape fertilizers and chemical inputs, definitely invasive plant removal and not hooking up to gas.

### **River Knoll Continued**

These are objectives of New York State and the Town's trying to become sustainable so you're building something that's hooking up the gas it's really like a 1950 thinking, instead. It would be really great if you could go towards sustainability, I feel like you have this great opportunity here to really make a beneficial project to this Town, but it would require those kinds of additions.

Mr. Vetromile said the comprehensive plan is in draft form, they are kind of scratching heads as to why they should address something that's not been adopted by the Town yet. This could still change a lot so it's separate from that when you say a wide range of housing options. That's exactly what this is, there is no 55 plus housing option in this Town, is there?

Ms. Sharrett clarified that with a strong recommendation that the County is now since there's such a housing crisis, that they're proposing that single family homes are going to be removed and replaced with two to four family homes because there's such a crisis. With the lack of affordable housing, I believe that the housing opportunities that they're referring to, because I'm on that committee, no one was asking for more options for high end housing.

Mr. Vetromile said this is active seniors housing, these are for people who are seniors who don't want to be in a big home anymore, who don't want to clean their gutters, who don't want to have to take care of the outside, they want more mobility, they may be selling a million dollar house and wanting to move down so from a senior standpoint from, a 55 plus standpoint. This is a new housing option that is not here anywhere in this area. We are going to be building 10% affordable for you at a great cost. Ms. Sharrett disagreed with this but said this can be discussed at a later date.

With respect to the electric charging stations, Mr. Vetromile said they will have two-car garages and each one will have the wiring to accommodate an electric vehicle you won't have to retrofit the House because everybody's going to have an electric car sooner or later. Also, these new electric ranges that have essentially a cool cooktop, people actually preferring them because they're safer.

Mr. Enriquez said globally, everything's turning electric and is there a plan to infuse sustainable utilities in in the development, like the solar panels, how do you plan to adapt them? Mr. Vetromile said the whole area is evolving so quickly you look at what Tesla's doing with roof tiles and these battery storage units. We're looking at all of that. Every six months it changes so it's so hard to say. I'm literally, for my own, I'm looking into a tesla system, because you can get these big battery storage units and save a significant amount of utility costs every month. At the very highest level, everything will be Energy Star, all the glazing on the windows will be obviously filtering. Once again it's just changing so rapidly to spec something out today and a year from now we would probably expect something else. I don't know the full answer to that right now. After some discussion regarding gas vs electric, Mr. Vetromile said, if we can go to just all electric, it will be my preference. It certainly costs a lot less to put in. It's based on what the market will demand. Again, the cost of energy is changing so quickly, all of us know, look at our Con Ed bills, how much they've risen last couple of months. Dr. Hougham said if they would consider not connecting to gas that would be considered a sustainable plus.

After some discussion, Dr. Hougham asked for a vote on the review of completeness of the Supplemental Draft Environmental Impact Statement (SDEIS) for the River Knoll Project, 40 Croton Dam Road.

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board deeming the SDEIS as incomplete at this time.**

### **Miscellaneous Field Changes**

#### **The Learning Experience, 530 North State Road, Field Change**

Mr. Richard Jarmel, PE of Jarmel Kizel Architects and Engineers, was in attendance. Mr. Jarmel presented a plan of what was supposed to be constructed overlaid with what they are proposing to do now. The curb line was supposed to be out further and it was build back further because of a utility pole that was supposed to be removed two years ago. The pole was removed about three weeks ago. They created an opening to get in and out of the parking area while the building was under construction. The pavement is already in place. Rather than move the pavement they are proposing to stripe the blacktop on one side, create a striped island and move the entrance over slightly.

Mr. Ciarcia noted as the applicant was describing the utility pole created an issue and actually there were some other issues, they were actually hoping to be ready to open almost a year ago, but as things worked out that utility pole, failing to be removed, so the curbing you have there, right now, as a result of them trying to work around this utility relocation delay. There's three scenarios, you can leave it the way it is, but I think, leaving it the way it is, is somewhat dangerous, because then sometimes less is more when it comes to people being confused pulling out of parking lots so he really wanted sort of channelized those movements. The striping would do that alternatively, or they could go back to the original plan and take out that black top but in the curbing where we're supposed to be so, if they found that plan that obviously we wouldn't be here tonight, so the applicant would like to try and leave things the way they are, not do any striping or I say just do the striping of the arrows and so forth.

Ms. Sharrett said, it just seems too wide, for me, I mean that's what it seems to be visually I think it's just it's not going to make sense, I understand, maybe having a little bit of striping so the delivery trucks are not going over the curb.

Dr. Hougham asked the Board for a vote on the amendment of painting a striped curb and striped island instead of taking out the black top and provide actual curbing as shown on the original plan.

**A motion was made by Mr. Bossinas, seconded by Ms. Stevens, Dr. Hougham, Mr. Enriquez agreed to accept the amended the plan with striping, Ms. Sharrett objected this change.**

#### **Terra Rustica, 550 North State Road, Field Change**

Mr. Lou DeMasi, Architect, was in attendance. He said everything's going well with the project. They received approval for a new deck with roof last year. They're in the middle of building the deck addition. The change is that on the original plan, the roof did not extend over the entire deck area. It was short about 8 feet. The applicant was looking to carry over the roof on this 8 foot area to be in line with the edge of the deck and building.

The owners asked if they could possibly do that and John Hamilton said, the best thing to do is come back to the planning board to get that changed.

**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to approve the amendment of continuing the roof over the deck approximately 8 feet to the end.**

April 6, 2022

## **Minutes**

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Minutes were not available at this time.

## **Adjournment**

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**A motion was made by Ms. Stevens, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Planning Board meeting to April 20, 2022.**

Time Noted: 11:15 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: June 15, 2022**