

April 20, 2022

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on April 20, 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

Picucci Subdivision, 51 Croton Dam Road, 1 Lot Subdivision, PUBLIC HEARING

Dr. Hougham announced that the Picucci Subdivision has been adjourned to the next meeting of the Planning Board which is scheduled for May 4, 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. The property consists of two lots. The lots were created pursuant to a subdivision that was approved by resolution in 2016. The proposed home is to be located on lot 3.2.

Ms. Jody Cross, Attorney, Zarin & Steinmetz, Mr. Andrew Vacarello, Civil Engineer, Welcome Homes NY Building Company, Ms. Kate Ryan, Senior Director of Architecture and Ms. Althea Northcross and Mr. Anthony Carrino were in attendance. Ms. Cross gave a brief presentation of the project to the audience and the Board. Ms. Cross noted per the last meeting, they have updated their landscape plan which adds 44 new trees and 7 new shrubs. Also, Ms. Cross acknowledged receipt of all letters submitted by neighbors which were also given to the Board. Ms. Cross pointed out in response to a few that the house is entirely zoning compliant. It is an approved building envelope and it's on an approved building lot which are important issues and concerns that the house is too high. The height complies with zoning which is 2 ½ story and/or 35 feet. This home is 27 feet which is average height and complies with the zoning code. Ms. Cross also noted that there are at least two homes within 350 feet that are significantly larger than the 4,500 square foot home being proposed. Number 13 Tavano is 7,700 square feet and 83 Somerstown is over 6,500 square feet. In addition to those there were three more homes that fall between the 3,500 and 5,200 square feet range. Also, this House was designed to fit in with that site and the neighborhood and will be entirely screened from the neighborhood. Ms. Cross asked their Architect to address some features of the home and how it is consistent with the surrounding neighborhood.

Ms. Kate Ryan said the proposed home is not monotonously similar or substantially dissimilar to the surrounding homes within the neighborhood. The home will be surrounded by plantings, as indicated by the site plan and the height is 27 feet which is calculated from the finished floors the midpoint of the roof. The plan depicts frontage consistent with similar homes in the neighborhood.

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Ms. Ryan noted that just a one to one comparison with our proposed home and some of the other homes in the neighborhood, you can see there's colonial elements that are very similar to our home on Tavano Road and on Somerstown Road.

Ms. Monastra provided the board a memo looking back at the record and a few things are noted as conditions of approval for the board to consider if the board decides to move forward with this application this evening. First, dealing with the stormwater practices, that the final draft declaration of the stormwater easement covenant for review by the Planning Board Attorney is a condition of approval. With regard to trees, the applicant did provide information that they are going to be in compliance with Chapter 183 but, as the condition of approval that that the applicant needs to be in compliance with that chapter. The last thing was deals with screening and because of the additional information and documentation provided by the applicant this particular house is not going to have an impact on the historic district of Tavano road.

Ms. Zalantis reviewed with the Board, the following standards of the Architectural Review Board chapter:

Chapter 55. Architectural Review Board

§ 55-8. Standards.

A. In considering an application, the ARB shall take into account the natural and man-made features of the site and its surroundings, and the character of the zoning district and its peculiar suitability for particular purposes, with a view to conserving existing values and encouraging the most appropriate use of land.

B. The Board may approve an application referred to it upon finding that the building or structure for which the permit was requested would be in harmony with the purposes of this chapter, would not be visually offensive or inappropriate because of the poor quality of exterior design, would not constitute monotonous similarity or visual discord in relation to the site or its surroundings, would not mar the appearance of the area, would not be detrimental to the character of the neighborhood, and would not prevent an appropriate development and utilization of the site and adjacent lands.

C. In approving any application, the ARB may impose appropriate conditions and safeguards designed to prevent harmful effects. Such conditions and safeguards may include modification of the proposed design and/or screening, planting, fencing or other methods.

D. The ARB may conditionally approve, subject to specified modifications, or disapprove any application, provided that the ARB finds the project as proposed would be so detrimental to the desirability, property values or development of the site and/or surrounding areas so as to cause one or more of the harmful effects set forth below:

(1) Monotonous similarity to any other structure or structures located or proposed to be located on the same street or a corner thereof and within 350 feet of the subject site, with respect to one or more of the following features of exterior design or appearance:

(a) Substantially identical facade, disregarding color.

(b) Substantially identical size and arrangement of either doors, windows, rooflines, porticoes, porches or garages or other openings or breaks or extensions in the facade, including reverse arrangements.

(2) Striking dissimilarity, visual discord or inappropriateness in general or with respect to other structures located or proposed to be located on the same street or a corner thereof and within 350 feet of the subject site, with respect to one or more of the following features of exterior design or appearance:

(a) Visual offensiveness or inappropriateness because of the poor quality of exterior design, visual discord in relation to the site or its surroundings, the marring of the appearance of the area, being detrimental to the character of the neighborhood, or preventing an appropriate development and utilization of the site and adjacent lands.

(b) Visual offensiveness of the facade, or the size or arrangement of doors, windows, rooflines, porticoes, porches or garages, or other openings or breaks or extensions in the facade.

(c) Visual offensiveness or other poor quality of exterior design, including with respect to the harmony or discord of colors, or incompatibility of the proposed building or structure with the terrain on which it is proposed, including but not limited to excessive divergences in the height of the level of any part of the structure from the grade of the terrain.

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After reviewing these standards, Ms. Zalantis clarified that this proposal is not before the Board for a wetlands issue, environmental issue, subdivision or a site plan review. Those issues have already been decided and determined. It is architectural review only.

Ms. Sharrett thanked the applicant for allowing a site walk and noted that several of the homes are not in style with that historic district that are around this house but one issue is the Red Maple that is going to be removed. Ms. Sharrett suggested moving the house over 30 feet to protect it because the whole property is wet it's a huge screening and going to take up much of the water. The proposed planting is going to take decades to get to that size. Ms. Sharrett also expressed concern with a tree that looks like it is very close to 62 Somerstown with that tree dying from all the construction vehicles going over that of the roots, because the tree is right next to the driveway. Those trees are really great screening that already exist and they're so big. She noted that this is a question for Dan; is there a way that during construction that you can put something there so the roots that go under that driveway can be protected?

Mr. Ciarcia pointed out that it's kind of hard to completely protect the root systems from any weight going on, you could put construction fence up to get diverted around it, but not sure that they've got the ability to completely avoid it. Dr. Hougham recommended that they try to protect them from the heaviest of the construction vehicles, which is probably primarily the cement trucks. If there's anything we could do like steel plates they're easy and typical, clearly we want to protect it for the life of the project to so once it's paved, that in itself would offer some protection from the delivery truck scenario.

Mr. Vaccarello said yes, part of the driveway is paved that's from a point along the narrow entranceway towards the home and all the way towards the home that section is being paved and then the remainder from that point towards Somerstown Road is going to remain as gravel. Mr. Ciarcia noted that the issue is to try and limit the pressure the axle loads of heavy vehicles coming in, you can distribute that set of put in place down, maybe do the paving sooner than later.

We respect to the tree layout, Ms. Althea Northcross, Landscape Architect, pointed out that there's a little bit of a reconfiguration of what's there while still respecting the need for screening and respecting the drip line of the canopy. It wouldn't be hard to do a little bit of shifting accommodate the broad leaf evergreens that are serving a purpose of screening the corner of the site from two houses, but also respecting the canopy it's not a difficult shift to accommodate and that that's something that's easy to do on site and can be accommodated with a note about the drip line of the existing trees.

Ms. Sharrett recommended that the River Birch and the Swamp White Oak tree which are shown in an area that's really shady and the fact that there's already a lot of trees there, those should come out. Both of those species are going to want more sun. Also by the driveway, there are about five Ash trees that should come out and the others can be relocated from that other area that shaded.

Ms. Northcross said she didn't get out to the site but within the pond area is suggesting that there's some kind of re-addressing of the edge of the wooded brush to incorporate meadow and which would add a lot of native species in this particular area that wouldn't otherwise be accounted for because they're in the form of grasses. Ms. Northcross agreed that this can be a site consideration while on site and she did not see a problem with changing the tree plantings around.

Dr. Hougham asked for comments from the Board. Ms. Stevens, in agreement with earlier comments by some Board Members, said she doesn't see the visual impacts to the Tavano neighborhood and doesn't see the need to have the applicant get consultation from State Historic Parks Office (SHPO). She said it's a beautiful location for a house and while it would be nice to save that Maple tree, she is conflicted by the wetland buffer situation. Ms. Stevens noted that the house is within a size and style that fits within the R40 Zone and within the definitions provided in the Statute.

Welcome Homes NY Continued

Ms. Stevens asked the applicants if they have thought about solar panels and electrical car charging in the future. Mr. Carrino said yes, they are actively working with the applicant to provide solar panels on the house. They have not guaranteed that yet because they wanted to make sure there is proper southeastern exposure but it is absolutely a desire of the customer to have solar on the House. The electric vehicle charging is provided in all of the homes by Welcome Homes as an electric charging outlet in each garage.

Mr. Enriquez said he has no problem with the size of the house, it is zone compliant and the fact that there are other bigger houses just around it. The height is as defined. The aesthetic is not dissimilar with the houses in proximity. Mr. Enriquez agreed with the emphasis of saving the Red Maple and if there's anything that can be done to save it, that would be good. Ms. Cross said the difficulty of redesigning the site and when we have a single family home and just to keep getting bounced on this. She said they respect, and have looked at the tree, they just don't think it's feasible to save it and maintain that what we're proposing makes up for that loss, even if it will take time.

Mr. Bossinas said it's a bad precedent to set, to move a house that's completely conforming with all the requirements and have the house moved closer into the wetlands. There's a lot of misinformation floating around in the neighborhood about building and the designated wetlands, which is not being proposed right now and we're actually suggesting moving it into the buffered area. I don't see the logic in this. I don't like the precedent that we're setting and I'd rather keep the house right where it is. In response, Ms. Sharrett said she was on that property and the whole property is wet because they changed the pond so the wetland was very different before they filled that pond.

Mr. Bossinas is not saying this is ideal and he'd love to keep the tree but we've had somebody go out there to try to establish the delineation line at this point, as the site sits now they've established the location based on our zoning Code as best they can. They would have to go get variances and actually set things outside of the building envelope closer to the wetlands than where they currently sit.

Dr. Hougham said sometimes that has been done, we don't like to do it, of course, but sometimes it's a balance of parameters, and this is all very much a balancing. Ms. Monastra said I don't know if they need a variance but they would need wetlands permit. The applicant will need a wetlands permit, they would have to apply for it.

Ms. Cross said this means we would need to go through the whole process of applying for wetlands permit coming before the planning board having another public hearing. After you know being here for three meetings. That's overly burdensome and when you're in the building envelope that's been approved.

Mr. Bossinas said to clarify, yes, they wouldn't need a zoning variance but they would absolutely need to address the wetlands issue, and still stands with his original comment, we're asking them to move the House closer to the wetlands, regardless of what the conditions are now and what somebody did in the past, were actually telling them to move it closer to the wetter soil. This doesn't make any sense. It might be wet but there's a difference between wet soil and wetlands and we're telling them to move the House or we're proposing that we're going to move the House closer to the actual wetlands.

Dr. Hougham noted he was able to get a lot out of a recent site visit. There were a couple of takeaways from that, while the architecture and the style of the House differs substantially from the Tavano Road mid-century modern style, it's not at all different from the houses on the other side of the field where there are two traditional colonial style houses. Dr. Hougham still would like to see SHPO put in an opinion on it just because they are a community on the national register of historic sites. Regarding the tree, he is asking resident expert, Donna, if there was a way to save the tree by doing something different with the blacktop on the driveway and that sort of thing and the answer was, no. You couldn't leave the House where it is and protect the tree because the roots go under the house.

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Dr. Hougham said someone in the Community mentioned the possibility of moving house to save the tree. The tree was mentioned by number of people in the Community for its value in screening and also its inherent beauty and, as this is an ARB consideration, both of those factors apply. Dr. Hougham said he thinks that tree is beautiful and it would add a lot to the aesthetics to the built property. It has screening value, especially for the properties up the hill, 13 Tavano Road and 9 Tavano Road, it will have a lot of screening value. At the time, my view was no, no, no it's only inches away from the wetland but when possible, to think of the wetland buffer is sacrosanct, I believe there are times when the balance of issues suggests that building a little bit into a wetland buffer is a value to the overall environment, and I think this is a case in my view, if you could move the house 30 feet away from the Red Maple. It is not going to lower it substantially in elevation only about a foot and a half, because it's kind of on a plateau there. It would save the tree for screening and aesthetic value and its value in keeping some of that wetland. In addition, another thing I like about moving the House moderately is that it brings it closer to the other Building lot, because I think it'll make it a lot less likely that in the future, the applicant is going to come back and say there's a new magical stormwater system that we can now bring to bear and build the second House. I don't think a second house belongs in this property but that's a site plan issue which we're not allowed to consider now because that was decided, but on a basis of ARB considerations, move that house closer and make it less likely that a the second building lot will be built. My view is that it's worth doing it and a little bit of a burden to the applicant to do so, but I think there are a lot of benefits from it. I very much respect Jim's point of view about precedent setting by moving it into the buffer. I think it's something that we need to reserve for extraordinary circumstances, or the balance of issues really pushes hard in that direction and I think this is a case so that's where my vote on that.

Ms. Cross said, I think this is highly in equitable what the board would be asking this applicant to do is apply for a permit they don't want to apply for, go through additional meetings, go through different additional plans and engineering, and also to tie our hands and make it less likely we could develop an otherwise developable lot which we are willing to agree not to build on in perpetuity so long as technology doesn't change, but we have a right to preserve the future potential of that development it's a an approved lot by this board, even if it wasn't the people sitting on this board today, it was still an approved building lot, so it doesn't really make us want to go apply for a permit we don't even want to apply for, that's discretionary, and go through that additional cost and time only to hopefully further tie our hands in the future, even though we're willing to put a recorded restriction on the line so. Again, I respectfully disagree with this decision, just to save one tree to build this home.

Mr. Vaccarello addressed comments regarding moving the house. The resolution of approval from the subdivision that was granted has specific language in that resolution that states that the applicant for the House shall keep the home outside of the wetland to the maximum extent practical. The comment about relocating the home further into the wetland buffer actually contradicts the condition of approval that the board had previously set for the subdivision. Mr. Vaccarello said that they are within the allowable envelope and moving it actually contradicts the requirements set forth by that resolution of approval for the record.

After further discussion regarding relocation of the home, Ms. Zalantis reminded Dr. Hougham that this project already has an approval in place and the applicant cannot be asked to potentially violate conditions of their subdivision approvals. Forcing them to go into the wetland buffer could potentially be at odds with conditions that were already imposed by the planning board. Ms. Zalantis said moving the house is a site plan issue, that's the layout of house. The applicant isn't proposing where to place the House on the lot, this is not before the board for site plan approval and further the Board has to really consider what it's asking this applicant to do sitting as an ARB. Ms. Zalantis recommended a discussion with the board, potentially in executive session.

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At this time, Dr. Hougham opened the public hearing for comment from the audience and residents, comments are as follows:

Shanti Vargas, 13 Tavano Road: That gap is not there because any trees were ever taken down. Those two lots belonged to this property once upon a time, and so there was never a need for screening. That is just not the case anymore so screening is absolutely warranted at this point, since it's no longer our property and now house is being proposed to be built there. I just wanted to clarify that it wasn't a choice. Especially by the new owners of today, no trees were ever taken down that that's not why the gap is there. I don't think that the gap should remain there.

Jean Fitzpatrick, 7 Tavano Road: Thank you for calling on the public for this. Two comments, I would make one is that the tree that is behind us, which Donna and Gareth have both mentioned is truly beautiful and an old tree and our concerns are not only about aesthetics and nature as Donna mentioned the tree does absorb a huge amount of water and our backyard is already so soaked that when the lawn mowers cross it the lawn mower sink into it and are unable to proceed to finish the job of mowing our shrub which is the only thing that will grow on this very wetland, so the tree serves a function which affects our home and would certainly soak our basement if it were removed, I also have some questions about the massive propane tank given how many explosions, I have read about across the country. Those are my two comments, but I would like to turn it over to our Attorney Andrew Brodnick who has some information that I think might be super helpful to the board and to the applicant actually.

Andrew Brodnick, Attorney for 7 Tavano Road: Again there was, I know this has been discussed already, but there was a wetlands permit granted and granted it was for the other lot but the point is that with respect to the development of these properties, it was anticipated that there would be intrusion into the wetlands, I understand that maybe in 100 years there may be some fantastic technology which allows them to utilize the lot the last lot that's not being developed right now, but the reality is that it's essentially going to be a one lot a property which has one lot on it, therefore, the Board, at least two members of the board, are making a crystal clear that they would prefer to see that see the House moved into the wetlands, in order to save this tree, and they also mentioned, and this is something we mentioned before, that would also prevent the House from being located directly behind 7 Tavano Road and I think the Somerstown Road property that's on the exact opposite side, so yes, there would have to be another application submitted, but clearly the board at least two members of the board are strongly inclined to grant it so not only would it save the tree, which could soak up water and not only would be located in a position that would prevent it from being directly behind the backyards of two homes. It's good it's going to be granted they've come this far, clearly, you know I hate to see an applicant go through additional expenses, but they've gotten this far and I don't think it's that much more to ask for them when they're basically getting the green light from the board to members of the board to move the House, I certainly think they should do that. I understand that they've been made tremendous efforts or made efforts to address the screening, but they have not made a single other modification and the fact that it complies with zoning that is not the point. It's whether or not that house is located in a proper position with respect to all of the other homes so that's the point if it's more than two members of the board who agree that the tree should be saved and I think respectfully, and I understand the concern about the wetlands, but that was going to be an inevitable part of this development and with this applicant essentially making this a one lot making this development limited to one house for all effect that the purposes of this for the next hundred years. It behooves the board to seriously consider just moving the House 30 feet, which would make it much, much more acceptable to my clients. Thank you.

Howard Fleischer, 22 Tavano Road: Just from the point of view of the landscape architects, with all due respect to Althea, I know you're working off of a number of virtual and visual representations, but I think that to do the job that you're looking to do and to be able to see it firsthand could be very valuable in the recommendations that you make and you might yourself fall in love with that beautiful maple when you come to see the site. The Red maple and the consideration to the neighbor buffer should be accommodated and really taking into very serious consideration because once that is removed, it's going to clear and cause problems to the neighborhood where there will no longer be the absorption of the water and the buffer to a neighborhood. That is of historical value it will diminish the view of the neighbors on that side and the effect of the national register of historic neighborhoods which falls down to the ARB, as I understand it, so with all due respect to you, the accommodation that this community is trying to make on your behalf by the representatives that we have is something that carries a lot of weight, in my opinion.

Welcome Homes NY Continued

Howard Fleischer: You know I just would ask you to consider the wrong view once the maple is destroyed and taken away and, although there is the proposal for buffer to be between our neighborhood and the new house there's going to be, as was pointed out by Donna, quite some time before that is going to take effect, so we are going to suffer with the lack of this buffer in the view of this House, which may be a very beautiful house, but frankly back to back with another historical neighborhood house diminishes again that view. The screening is very relevant and I think that this should not be underestimated. The rest of this, as far as glossing over the faulty wetland topsoil that has been put on top of a wetland and saying that it's not wetland we understand that. There's been some stuff that has been done and may have not been taken into consideration as Donna pointed out, according to the proper authorities that maybe not has been addressed or approached. You have a singular purpose, we have a communal purpose, and this is really what our board members are there to protect us from and stand up for us now, we understand that asking you to do things that are going to cost a bit more and assert surely that there is going to be a cost involved with re-envisioning the position of that house, but to the point that if it's moved into a buffer that is already something that is not going to be offensive to the ARB or the planning board and can potentially be something that accommodates our Community. I would really advocate and ask the representatives of our Community, of the planning board the ARB and the rest of the Community to really think about this, and if it takes more time I apologize, I know you've been through the effort. Thank you for taking the time to hear me.

Jess Wright, 62 Somerstown Road: Thank you all, I just wanted to quickly reiterate, Donna and Gareth and Carolyn thank you so much for making a site visit and weighing in. I have a practical question relating to the subdivision approval my neighbor Steve Jones at 64 Somerstown had submitted a question about the conditions for the issuance of the certificate of occupancy for the project to be built and the question has to do with the trees along the driveway. Our interpretation of what is written is that those trees must be saved. Is that correct?

Kathy Zalantis, PB Attorney: The board really can't give legal advice on interpretation of the subdivision conditions, whatever the subdivision conditions are they are already in place and will have to be complied with as a condition of that approval.

Jess Wright: Okay, but I mean just isn't it relevant as the builder begins the project to make sure that it is like these trees were originally proposed to be removed, so that's why I'm asking. Okay, so, then, can I change the direction of this just a flag the issue that they had originally proposed taking out these cedar trees that are closest to my neighbor's property at 64. That screen between our homes so irrelevant to the new development, I just want to make sure that those trees, as it seems to be outlined in the subdivision approval are safe. Dr. Hougham said, that's in the subdivision approval I don't have it right in front of me, then they have to be protected and I don't know if you were on when we spoke earlier in this meeting about protecting those trees from heavy truck fuselage.

Jess Wright: With respect to these cedar trees do they have enough room for the driveway I don't know the code how wide does the driveway have to be?

Ms. Zalantis, again, reminded Ms. Wright that the driveway and the trees have already been approved as part of the subdivision. The application in front of this board right now is considering the ARB application.

Philip Garthe, 13 Tavano Road: Thank you this is Philip Garthe speaking on 13 Tavano Road. My wife Shanti spoke earlier and speaking to the board, taking into account natural features of the site and the surroundings, with a view to conserving existing values focusing particularly on what Howard was talking about and others have talked about with respect to water absorption, we know the land is wet. Our property has a pond on it and its spring fed, is our understanding that it feeds into the Sing Sing Kill watershed, which feeds into the local water supply. Minimal rain will flood over the banks that that water such that set that pond such that our neighbor on 7 Tavano, our ponds actually join in, so I'm strongly encouraging anything that can be done to maintain as much water absorption as possible and Howard had very eloquently laid out just a few moments ago, you know it's the Community here, we're really a tight knit community, we know each other, we talk to each other and we care about each other and the properties that we have and the land values that we have and it's within the board's purview clearly to take into account these impacts to the neighbors and to the extent water absorption is removed this will lead to additional flooding putting any pressure on that seems ill advised but needs to be taken very careful consideration, and like Howard mentioned as well, we appreciate the board's efforts, we appreciate the applicants efforts here and everybody taken as much time that they have on this, including the rest of our Community.

Welcome Homes NY Continued

Vanessa Paris, Applicant: Very briefly, at our last meeting, Anthony and I are the applicants here, we did graciously thank everyone for their time and effort, I know that the meeting went very late last time, but I did want to give the board a little bit of background on who we are and to give the Community a little bit of background on who we are. We are Ossining residents. We've lived in Ossining for 10 years. We have two small children, six and eight years old, both attend the Ossining school district. We're both deeply involved in Ossining community, I know that a lot of the neighbors have already referenced how tightly knit this community is and how beautiful this land is. These are the exact reasons why we're so looking forward to joining this Community and we appreciate the board's time and effort, all the feedback we've heard from everyone on ensuring that we can move forward with this process. Thank you all so much this evening.

Desmond Fitzpatrick, 7 Tavano Road: I just want to make a couple of comments what I hear repeatedly from the developers is pretty much this is a fait accompli. Because we've been given no set of options around where the House would be situated it was like "it's here because it's conforming to all the guidelines, we didn't give you any choices, so now suck it up and do what you can because that's the way it is, we're not going to move it blah, blah, blah". That's number one, so it's like to say that we've been so accommodating and whatever frankly, that has not been the case, we did meet with the potential owners of this property and there was no give at all on shielding or providing more trees. The board basically asked them for trees, all of a sudden went out complying and we're giving trees right so sort of sense to me the sort of the overall approach that's taken. Secondly, the landscaper or whoever it was the idea that this person is sitting in a Manhattan studio designing this property, without ever doing a walk on is frankly astonishing to me, this is a beautiful property go look at it it's not some abstract drawing video game it's a real place where we have enjoyed the Community right. I just want to say that, for various reasons, because we're new grandparents, we have not been there in a month I come up I spent literally 10 minutes in the House and in that 10 minutes deer walk straight from that maple right across our property right, this is a transcendent piece of property, and I think it should be catered to that way. A couple of final comments, one is this this idea of the driveway has been approved means, what does it mean that I can now make 100 foot wide driveway and it's approved or preapproved driveway. I'm not sure what it means to say it's preapproved. All right, the other final comment that I hear was fairly mature switch and bait. I don't mean to be obnoxious about this, but what I heard last week was it's a covenant where they'll only be one building build on the one property. Now I'm hearing, of course, unless technology changes, we all know, technology will change which will mean we'll be back, maybe a year after houses built looking to sell the second property. I hear nothing in the enthusiasm of the developers, to say that I can trust them that they're not going to come sue Ossining, sue the board to release that second house. At some point in the fairly near future, I just don't believe they don't intend to sell that second property. I wanted to make one final point the idea that we're getting all the screening or whatever, without having visited the property is frankly amazing and I think it really needs to be looked at by the person who's designing where all these trees are going by being on the property and not drawing in some studio. Thank you.

Dr. Hougham, Chair: Can the applicant make that possible with the landscape architect, to be able to make a trip out there.

Jody Cross, Attorney for the Applicant: The architect, to be on site there's been whatever issues are raised by Donna, we responded, that there are certain on site conditions that may require one or two trees being moved but I'm not sure I'm understanding what needs to be changed about the plan that would require that hasn't been accomplished.

Ariadna Font Llitjós, 28 Tavano: Everybody on the board, who walked the property, as well as Donna, we really appreciate that. I know we spoke about very quickly, how the style of the home is similar to others around so it's okay I would respectfully disagree, I mean I understand there's already some colonial houses around we're not going to tear those down, but I do think building the size of house colonial and even considering removing that the tree and other screening that currently exists, really, really concerns me it really will change the look and feel of the historic street. It will, in my mind, in my opinion sort of damage that nice feel peaceful look of all the mid-century modern contemporary houses and I know that that might not have a ton of value but, but it does to me and I do think it's in the in the purview of these of these reviews so just wanted to let you know how I stand here. Thank you.

Welcome Homes NY Continued

Ian Londin, 9 Tavano Road: I realized that you're giving extra attention to this it's probably not every day that you get such a reaction from Ossining neighborhood. I request that you take the time necessary to also take care of us Ossining residents and to thoroughly make sure that we all understand every detail of this project, because so much is at stake here. It is a unique situation. I can understand why Ms. Paris and Mr. Shropshire would want to live here and I can understand why they would want to be happy in this Community. So now I'd like to see what kind of effort everybody puts into perfecting this situation, I would really appreciate all the attention the board can give us residents. That's it, I'm done.

John Scibilia, 70 Somerstown Road: Thank you and thanks neighbors. Just wondering who made the site walk. You can't speak to our view of the House, it's just my point is you can't speak to what we see from our home, you were looking from their perspective but not where we live. It just seems that the residents are rushed through this and the lawyers or the builders get lots of time, but thank you so much for your time.

Violet Benny: To what you were saying and agree with you 100% Gareth that I think it's appalling that someone is looking at zoom or looking at Google maps or Google earth and making a decision. You have to walk the property and you have to be on it. I don't have a dog in this fight, necessarily, but it is an amazing Community I'm really happy to live here. I've lived here for almost 30 years now and I've seen a lot of changes happen, and not all of them for the better, but that's life I just would hope that I don't want to piss on the fire of anyone's dream and if somebody wants to build a house sure, of course, but wetlands are so precious and I've watched them disappear more and more around here and I wish people would take that into account. That's all I have to say and again, it's appalling that anyone would make a decision without looking at the site in person, not just looking at visuals from a Google Earth.

Scott Johnson, 9 Tavano Road: The big question I have regarding the removal of this tree I think it's been expressed fairly well by both the Community and board members that the removal of that maple could increase flooding here at 9 and 7 Tavano Road including backup on to some of the property of 13. Where does that leave us if this tree is removed and we all of a sudden can't use our back yards? I love this Community, just as much as anybody else that's why I bought this House and if I'm not allowed to use my backyard because of additional flooding from this what do I get to do. The only other thing I'd like to say is that, especially this week with Earth Day on Friday, I think it's very important that we remember the urgent need for sustainable development. Thank you very much for your time.

Miguel Hernández: I'm a Village resident. I'm wondering why does this House have to be that large and would a smaller footprint help save this tree, in other words, if the problem is that this driveway encroaches on the tree and damages it, would a smaller footprint possibly help save this. Thank you that's all I have to say.

Jody Cross, Attorney for the Applicant: Even a smaller footprint would encroach on this tree and again I have to keep I'm sorry if I keep repeating myself but we're adding 34 trees taking and that will accommodate the loss of this larger tree and the loss of the transplantation and these concerns about water, I understand them, I respect them, I completely I'm a homeowner I get it but there's no empirical data to back up the fact that this is going to somehow cause the entire neighborhood to go underwater if the Red Maple comes out notwithstanding the applicant's 34 additional trees planted on the site.

Jim Bossinas, Member: I think the applicant has addressed the issue, I mean we keep throwing around the 4500 square foot House but they're counting second floor and we're counting interior square footage. The footprint of the House is significantly smaller than the number we're throwing around and we can see from the site plan how it's shoehorned in between two wetland borders and then the other setbacks and the only place that the driveway can exist so I think that the applicants addressed this and it's certainly not my place to defend them in any way, but I think it's been addressed.

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Jim Bossinas, Member: I have a pond right next door to my driveway goes right along wetlands in a similar fashion I've lived through this and they constructed the House next door. I absolutely feel for you, but this is a completely conforming property that they have a right to develop this and the end result is you're going to hopefully end up with a great neighbor to supplement that that great community that you guys have there, but I understand it, and I'm not trying not to sound cold but I've been through this. The circumstances are very similar and the screening you're going to find that some of that low line screening is actually going to provide better coverage than then some of the larger trees because when you're actually standing on your property at least in my case, the rhododendron that separate my property from the next property does way more screening than any of the 50 foot tall oaks and maples that we have on our property. So I understand and some of the comments are valid and you know change is not always great I'm sorry I'm in favor of this project.

Dr. Hougham, Chair: Kathy and Valerie what would be involved if we were going to do that and obviously we can't rubber stamp and it's sort of a wetland application, but you know if there were a majority of the board that sort of agreed with that as an approach, and I'm not saying there is, then you know they have a very it would probably go pretty fast, so I don't think that would hold you up, and I would like you to apply to SHPO, for their review on the historical nature, I think that's important I personally think they're going to come back and say they don't think that it's inconsistent with the surroundings on the whole, but I'd like to hear that from them so that's going to take some time and that's on you, to make that application SHPO.

Jody Cross, Attorney for the Applicant: I respectfully, Sir, I just don't understand what's the point of doing that is when we've already heard from members of the board and your consultants that there's not going to be a visual impact then, to hold up this application process when we're not in a historic district SHPO doesn't have jurisdiction and we've instead provided documentation showing what the impact would be, which is none, you know again this is time consuming it's burdensome. We've already tried talk to some consultants who think this process doesn't even have a standard process because they don't have jurisdiction, so it seems unfair to the applicants.

Dr. Hougham, Chair: Jurisdiction over view sheds when you've got adjacent historical neighborhoods and houses or whatever it is and so I want to get their review it's as simple as that and if they are as clear that there's no impact as you are, then it'll be very quick matter. So please do make that application to them and my experiences that they are quite efficient.

Andrew Vaccarello, Engineer for the Applicant: So chairman, if I may comment briefly on your request to relocate the home slightly and reduce the footprint. I think we've demonstrated it multiple times that even if we were to reduce the size of the footprint, it still wouldn't positively impact this application and moving home really is not going to change anything, so I think at this point and I think that we really have all proven that the current location in the current footprint that's proposed does fit nicely in the allowable constraints that we have on the site.

Dr. Hougham, Chair: So, that's your view and I respect that. I'm not 100% sure that I agree with that, but there are serious constraints and you know I acknowledge that it's not an easy house to place within those constraints. As I've said before, if there would be an overall environmental and Community benefit to move the house 30 feet, but I'd like to know from Cathy and Valerie for the next meeting, if possible what would be the process and to what extent are our hands tied because that is a wetland buffer and a condition in the original approval that said the building could not extend into it. So, if that absolutely ties our hands, then that's the answer, but if that doesn't, I think it's worth considering and so I think we should table this for now. We're going to wait for the SHPO review and the next meeting. At this time, I want to acknowledge that we have the information that we have in front of us, so I appreciate and I thank you for your patience, I know that it takes time. Be aware that this application has been before the board for something like 10 years, so another couple of meetings to perfect this application, I think, is well worth the while and I asked you to respect that process.

Jody Cross, Attorney for the Applicant: I just have two quick things to add one is at the last meeting when we did talk about SHPO, we discussed it as being a condition in the approvals prior to building permit so wouldn't hold up approval from this board where it would say that so long as SHPO doesn't have an issue we move forward, if they do, we would have to return to you. So I'm hoping that SHPO approval doesn't hold up approval from this board.

Welcome Homes NY Continued

Jody Cross, Attorney for the Applicant: Second, I do want to once again point out that what you're asking about the wetland permit for this applicant to not have an as-of-right home on an as-of-right approved building lot you're asking them to be forced to go get a discretionary approval by telling them that they can't build something they have a right to build, subject to a ARB approval, so just want to make sure that that's out there. We were very careful to make this a compliant House. We didn't seek any variances. We didn't seek any permits that were other than ARB approval. So, I just got to put out there, that what you would be saying is there's no zoning compliant house that could fit on this lot on an approved subdivision building lot.

After some discussion, **Mr. Bossinas made a motion to direct the preparation of a draft resolution of approval which will include conditions discussed addressing landscape changes to be considered at the next meeting; this motion was seconded by Ms. Stevens, Mr. Enrique voted in favor of, Ms. Sharrett voted no, then abstained and Dr. Hougham voted no.**

Dr. Hougham stated the motion carried in favor of and he asked Ms. Monastra to prepare a draft resolution for consideration at the next meeting. Dr. Hougham thanked everyone for their continued and patient discussion on this property.

Miscellaneous

125 Morningside Drive Architectural Review – Field Changes

Mr. John Marricco, Applicant, was not in attendance. Ms. Monastra noted that there were a couple of changes dealing with the color of the garage doors and lattice. Ms. Sharrett went out to the site and expressed some concerns with some of the plants. Other comments related to the stone retaining walls. Dr. Hougham noted that the wall built doesn't look like what was originally shown or approved. In his opinion, it was poorly built and unattractive. Also, another wall was put in that was not on the plan.

Ms. Sharrett said the plantings are all shoved together in a confined space where they should have been spread out a little bit more. There's room to spread these out on the downside of the retaining wall. Also, half of the plants are completely eaten down by deer. She and Dr. Hougham are okay with the color changes. Mr. Enriquez said he would like to make a site visit. Dr. Hougham will meet Mr. Enriquez and Mr. Ciarcia will also take a look to investigate any of the wall issues and structural integrity.

Minutes

April 6, 2022 minutes were held over to the next meeting of the Planning Board.

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 May 4, 2022.

Time Noted: 10:15 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: June 15, 2022