

March 6, 2019

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 6th day of March 2019. There were present the following members of the Planning Board:

Ching Wah Chin, Chair
Gareth Hougham, Member
Jim Bossinas, Member
Carolyn Stevens, Member

Absent: Greg McWilliams, Vice Chair
David Stolman, Frederick P. Clark Associates, Inc.

Also Present: Katherine Zalantis, Attorney, Silverberg, Zalantis LLP
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary

SPCA of Westchester, 590 North State Road, Site Plan Amendment – PUBLIC HEARING CONTINUED

Mr. Chin opened the public hearing at 7:30 p.m. Mr. Spector was in attendance. He advised the Board that they received two variances from the Zoning Board of Appeals on their request for proposed signage on the building. Renderings and plans with this signage were on file. Mr. Spector asked if the Board would consider closing the public hearing and preparing a Resolution of Approval at this time. A Negative Declaration document prepared by Mr. Stolman, dated March 1, 2019, was submitted and reviewed by the Board. Mr. Spector received a copy as well.

Ms. Zalantis noted that the Environmental Advisory Committee had a site visit on Saturday, March 2, 2019. Mr. Spector asked the Board if EAC comments can be considered in advance of the next meeting. The Board was in agreement and a draft resolution can be considered. At this time, Mr. Chin asked if there was anyone in the audience that would like to comment on this matter. There were none.

Dr. Hougham made a motion, seconded by Ms. Stevens and unanimously passed by the Board to adopt the SPCA of Westchester, Animal Rescue Facility Negative Declaration under SEQRA, dated March 1, 2019.

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to direct staff to prepare a draft Resolution of Approval which will consider EAC comments and to adjourn the SPCA of Westchester Public Hearing to March 20, 2019.

Mr. Spector thanked the Board.

Mark Picucci, 51A Croton Dam Road, New Single-Family Home, Architectural Review PUBLIC HEARING

Mr. Chin opened the public hearing at approximately 7:36 p.m. Mr. Mark Picucci of Castle Custom Homes along with project owners, Ms. Laura Couzins and Mr. Terrie Bently were attendance. Updated plans prepared by Gemmola & Associates were on file with photos of roofing material, fencing, siding and decking material. A memo prepared in advance of tonight's meeting by Mr. Stolman was submitted and reviewed with the applicant. The memo is dated February 28, 2019, titled, Picucci Architectural Review Board Application.

Mr. Picucci gave a brief overview of their updates to the plan. He provided a board with colors and materials of the proposed new home. He said they've added extensive shrubbery and fencing in between the existing home and the newly proposed home, the shrubs and plants are on both sides of the fence.

Mr. Andrew Kessler asked to speak on behalf of the Inoue's who live at 23 Pheasant Ridge of the Country Meadows Development, also shown as lot 11 on the Picucci map. Mr. Kessler asked for clarification as to where the plantings are going. Mr. Picucci showed Mr. Kessler on the map where the plants are being proposed.

Mark Picucci - Continued

In response to Mr. Kessler, Mr. Chin explained that there was a concern of screening between the two lots and screening would be in place for the existing home and the new owner's home. Mr. Kessler showed the Board where the Inoue's lot was and noted that they would be most impacted in terms of its proximity to the newly proposed home. Mr. Kessler asked if the Board will be expressing the same concerns with regard to screening and privacy for the Inoue's home as they are for the home existing on site.

Mr. Picucci indicated that the distance of the new proposed home is much further away from the Inoue's home than the new lot and a structure that was existing at one point. There was a barn that was approximately 6 feet from that neighbor's property line. Mr. Picucci noted that the barn was there for over 100 years, it burned down and was never replaced which left an open feeling for anyone abutting the property on that side. Mr. Kessler said that was a good thing too, but expressed that Ms. Inoue has other concerns with her privacy.

Mr. James Picciano, 70 Hawkes Avenue, talked about how many years ago, the properties around this area and including Country Meadows, were zoned as a horse farm. One horse per acre. Mr. Picciano addressed Mr. Kessler and said the reason why Ms. Inoue appears to be so close to the property line is because of cluster housing. He said, this is not the fault of Picucci, but the fault of cluster housing. At Country Meadows, the developer built the cluster housing which allows homes to be put closer together and closer to the property lines. Mr. Picciano expressed that it isn't the Picucci property encroaching on the Inoue property, it's the cluster housing (Country Meadows) encroaching on Picucci. After some discussion regarding cluster housing, Ms. Couzins said she grew up in Country Meadows and the homes in Country Meadows are closer together than the home they are proposing with respect to Ms. Inoue's lot line. Both project owners, Ms. Couzins and Mr. Bently expressed that they are currently pushing their budget to build this home which is going to be their first home and their dream home.

Mr. Picucci added that there is existing screening along Ms. Inoue's property. He said his father planted trees and shrubs along that property line several years ago. Ms. Inoue stood up to show the Board a photo on her iPad and to point out the area of concern on the plan. Based on the photo, the view seems to have ample screening. The photo was taken in the winter. Dr. Hougham said the buffer is enviously good based on the picture and how far it is. Ms. Inoue and Mr. Kessler asked about moving the house further away from her property line. Mr. Picucci explained that they sincerely tried to situate the house in a way so not to disrupt any of the setback requirements. Mr. Picucci said they have to stay within a specific building envelope and that is what the plans reflect.

Mr. Joseph Salvati, 25 Pheasant Ridge Road, a neighbor to Ms. Inoue, asked if he can clarify the fact that Mr. Picucci mentioned the garage/barn that was closer to the property line prior to this. Mr. Salvati said there was a structure there before but it was a garage/barn. A house is a very different entity. The previous structure was something that was uninhabited. That is a concern to him.

Ms. Zalantis clarified to the audience that the Planning Board is acting in its capacity as the Architectural Review Board for this application, not acting on site plan review. The home is being built *as of right*. In the Town of Ossining there is no site plan review required for single-family homes on approved building lots. The only thing that is required is to get Architectural Review Board Approval. Ms. Zalantis read through the standards of the Town's Architectural Review Board Chapter, Chapter 55 of the Town Code.

§ 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.

Mark Picucci - Continued

- 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.

Mr. Andrew Hazen, 66 Hawkes Avenue, asked Mr. Picucci about drainage. Mr. Hazen as well as Mr. Picciano live downhill from the site. Mr. Picucci noted that they are installing all of the necessary stormwater retention and runoff prevention around the home. Mr. Picciano asked if they would consider sending some of the water in the other direction down toward Croton Dam Road. Mr. Picucci said yes, they can do that. After some discussion and the review memo, the Board agreed to have **staff prepare a draft resolution of approval and adjourn the public hearing to March 20, 2019.**

Rayford Deverne & Sons, 52 Old Albany Post Road, Lot 3, New Single-Family Home Architectural Review

Mr. John Fussell Project Owner and Builder was in attendance. He submitted plans dated December 10, 2019 with latest revision dated January 4, 2019 with photographs, material description sheets and revised site plan. This lot was reviewed briefly as part of an earlier ARB application for Lot 1 & 3. Mr. Fussell then separated that application into two separate reviews.

Mr. Fussell said the original version of lot 3, showing the 12 – 14 foot retaining walls, was entombing the whole house which is an undesirable outcome. He went to the Zoning Board to ask for a front yard variance to move the home closer to the road further away from the slope in the back. The Zoning Board granted a 15 foot front yard variance which will result in less cutting and filling into the hillside and allow for the reduced retaining walls to be built around the home. Mr. Fussell pointed out that there is still the same amount of parking provided. One car in the garage and one car on the driveway.

Rayford Deverne Continued

Mr. Fussell passed out a sample of siding material for the home. He is proposing a color labeled Sandstone Beige with white trim. He said the front walls will be rubble wall using natural stone with dry joints. The same as lot 1. Dr. Hougham asked if Mr. Fussell can maintain an existing hedge that is on the property. Mr. Bossinas noted that if the shrub is on the Fussell lot, there is no way it can be saved. The amount of space between the property is just too tight. Mr. Fussell said he would be willing to work with the neighbor to plant a hedge or something that would be approved by the neighbor, Mr. Rizzi. Ms. Stevens asked Mr. Fussell if he could speak to the Mr. Rizzi about planting something on their property first. Mr. Fussell agreed. The Board agreed that a fence should go on top of the wall because the Rizzi's property will be level with the 6 foot wall on that side. Mr. Fussell said he will try to save the shrub and agreed to put a cedar fence on top of the wall. Mr. Bossinas reminded Mr. Fussell to include windows in the side elevations of the home, the same as required for lot 1.

Mr. Ciarcia submitted and reviewed a memo dated March 6, 2019. The memo, titled Fussell Site Plan, Grading and Utility Plan dated July 20, 2018, last revised February 21, 2019, was given to Mr. Fussell for review and to update his plan. Mr. Ciarcia urged Mr. Fussell address issues on grading, the geogrid wall, contours and topographic details. Mr. Fussell was directed to re-submit changes as discussed and to address memo items for the next meeting. With regard to installation of the geogrid type wall, it was recommended that Mr. Fussell make appropriate arrangements with Mr. Rizzi to get written permission and to name Mr. Rizzi's property as an additionally insured.

Rinaldi Subdivision, 39 Stormytown Road, 10 Lot Subdivision

Mr. JB Hernandez, Architect, was in attendance for the applicant. Mr. Ciarcia submitted and reviewed a memo dated March 6, 2019, titled Rinaldi Property Subdivision and Site Plan dated November 7, 2018, last revised January 25, 2019. Copies of Mr. Stolman's memo, dated March 1, 2019 were copied and submitted for review to the Applicant and the Board. The application is for preliminary subdivision plat approval and to subdivide the property into 10 building lots and to construct a Town road to provide access to 8 of the 10 lots. Lots 1 and 3 are proposed to have direct access to Stormytown Road via existing driveways.

Mr. Hernandez gave a brief update and indicated that they had a site visit with some of the Planning Board members and EAC members. Also, Mr. Hernandez met with the Building Inspector concerning the number of lots and zoning compliance. Mr. Hernandez noted that there were some additional concerns by Board Members and EAC Members that they are currently addressing. He said they are keeping the existing house with the driveway access to Stormytown Road. Another issue was the lot that is perpendicular to Stormytown Road but because of a good amount of screening along Stormytown Road, they feel this is the best layout. Mr. Hernandez said they have labeled the Sing Sing Kill Tributary and a tree plan and report has been submitted. He said they are working on a grading plan and stormwater protection plan.

An audience member asked about the tree report. Mr. Hernandez said they have prepared the plan with a Certified Arborist to determine the amount of dead and dying trees and any viable trees on site. He said they will have remove about 100 trees. A lot of trees have fallen and are dead, only 12 of the 100 trees are considered viable. Mr. Hernandez showed the audience the tree plan. The audience member asked if the homes are going to look exactly the same, Mr. Hernandez said no, they wouldn't be designed to look exactly the same. Another audience member asked about Stormwater controls. Mr. Bossinas explained the process of stormwater protection and collection and how this is managed on site. The Town's Consulting Engineer will oversee the stormwater protection plan, utilities and all aspects of engineering details.

Mr. Chin asked Mr. Hernandez to review and address items outlined in the consultant's memos.

MGM Design & Construction Group, LLC, 5 Hawkes Avenue 3-Lot Subdivision

Plans titled MGM Design & Construction Group, LLC, 5 Hawkes Avenue, Town of Ossining, Westchester Co., New York, prepared by Site Design Consultants Civil Engineers and Land Planners, dated March 23, 2018, with latest revision dated February 5, 2019, were on file and submitted to the Board. Mr. Joseph Riina, Engineer, was in attendance. Mr. Riina gave a brief overview and update to the Board. This project was reintroduced to the Planning Board about one year ago. It was granted subdivision approval in 2009, they received D.O.T. approval and health department approval. Final signatures were not obtained due to a number of unforeseen circumstances and the approvals have since lapsed.

MGM Continued

The property owners are in a position now that they would like to move the project back to where it was and get final approval. Since the approvals were granted on this property, the wetlands ordinance has changed and therefore two of homes are within 100 feet of the wetland buffer on the property. There is currently a dwelling on the property, this will be removed. The lots are in compliance with the R-20 zoning. Mr. Riina presented the plan showing wetland delineation and identified the brook and current conditions. The plan was reconfigured to move the proposed homes further away from the wetland, however, they are still located in the wetland buffer.

Mr. Riina discussed their Stormwater Protection Plan design and protections for the neighbor at 1 Hawkes Avenue. The homes would be tied into public sewer. Mr. Riina noted that SEQRA was reviewed and all other outside agency approvals were obtained in 2009. Mr. Riina asked if the Board would reconsider and reinstate the previous approval. Ms. Zalantis said the Board can't reinstate an approval. Mr. Riina asked if the Board would consider the previous approval. They will still need to re-apply and ask for a wetland approval. Dr. Hougham asked Mr. Riina for the approximate percentage of area that would be in the disturbed buffer. It looks like two of the houses are shown entirely in the buffer. Dr. Hougham recalled that the Board has asked this project to consider reducing the number of homes from three to two and even then they would still not be able to build completely outside of the buffer. Ms. Zalantis reminded the applicant that Westchester County Department of Planning issued a letter April 19, 2018 which recommended the same reduction of lots and moving the project further away from the wetlands. Dr. Hougham added that he was not in agreement with the first submission of three lots, which in his opinion ignored important wetland regulations. He was hoping to see two lots when this was revised. Mr. Chin reminded Mr. Riina that when the County is providing an opinion, the Board has to give that considerable weight.

This was not a public hearing but Mr. Chin asked if there was anyone in the audience that would like to comment on this matter. Ms. Elizabeth Marrapodi from 1 Hawkes Avenue was present. She said putting a road in at that location would be extremely dangerous especially the way people drive around the bend. Also, the people who live in the existing house at 5 Hawkes park along the road and those cars have been hit numerous times. She also is not sure how the proposed swale will affect her lot and noted that the two streams come together in that area down from the Torview property connecting to the Dale Brook. There is water going right through the property and through existing properties in the area. Ms. Marrapodi pointed out where her home is and showed the Board where number 3 Hawkes Avenue is located on the map. She pointed out the two streams around the properties. The Board reviewed the layout of this area on the Town's GIS map.

Mr. Bossinas recommended they look at something that would give two lots with individual separate driveways off of Hawkes Avenue. Mr. Chin asked the applicant to review the Board's concerns and come back with a revised layout. Mr. Riina agreed to resubmit and thanked the Board.

Minutes

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to adopt meeting minutes of the January 16, 2019 Planning Board meeting.

A motion was made by Mr. Bossinas, seconded by Dr. Hougham and unanimously passed by the Board to adopt meeting minutes of the February 6, 2019 Planning Board meeting.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Ms. Stevens made a motion, seconded by Dr. Hougham, and unanimously passed by the Board that the meeting be adjourned to March 20, 2019.

Time Noted: 9:45 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: March 20, 2019