

April 17, 2024

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on April 17, 2024 at 7:30 p.m. at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference. Members of the public were able to attend in person or view and/or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/86817346163>

There were present the following members of the Planning Board:

Carolyn Stevens, Chair
Jim Bossinas, Member
Donna Sharrett, Member
Jason Mencher, Member
Manny Enriquez, Member

Also Present:

Kathy Zalantis, Attorney, Silverberg, Zalantis LLP
Valerie Monastra, AICP, Nelson, Pope & Voorhis LLC
Daniel Ciarica, PE, Consulting Town Engineer
Sandy Anelli, Secretary
Margaret Conn, Secretary

VS Construction, 43 Croton Dam Road, Architectural Review, New Single-Family Residence, PUBLIC HEARING Continued

VS Construction ("Applicant") is seeking Architectural Review Board (ARB) approval to construct a new single-family house ("Project"). The Project will be located at 43 Croton Dam Road, Section, Block, and Lot 89.08-1-82.4 ("Project Site"). The Project Site is within an R-15, One-Family Residence district. Application materials, drawings prepared by Michael A. Piccirillo, AIA originally dated April 16, 2023, with latest revision dated March 13, 2024 and site plans prepared by DTS Provident Design Engineering, LLP, originally dated December 28, 2023, with latest revision dated April 1, 2024 were on file.

Mrs. Valerie Schemmer and Mr. & Mrs. Valerio Santucci, property owners, were in attendance. The site is a previously approved subdivision which consists of two existing homes, address 37 and 39 and two new vacant lots with the address of 41 and 43 Croton Dam Road.

A report, dated March 29, 2024, prepared by Gerhard Schwalbe, PE, DTS Provident, was submitted to the Board in response to a water runoff concern raised by Mr. Lovastic of 8 Cherry Hill Circle at the last public hearing. The study notes most runoff from the new development is directed to Croton Dam Road and portions of the surface conditions in the area to the west of the house on 39 Croton Dam Rd, the water and sanitary sewer connections have been completed. The lawn area has been restored including additional stone bedding to protect the slopes from erosion. Photos of the study area were provided. The memo states that there is no disturbance and no signs of erosion were observed in the area of Cherry Hill Circle.

Ms. Monastra submitted a memo, dated April 15, 2024, that indicates the application is now complete and ready for the Board's review. Ms. Stevens opened the public hearing to members of the audience and/or on Zoom.

A motion was made Mr. Mencher, seconded by Mr. Enriquez and unanimously passed by the Board to open the public hearing for VS Construction 43 Croton Dam Road, New Single-Family Residence Architectural Review Board.

Ms. Stevens asked if there was anyone in the audience or on Zoom that would like to comment on this application. There were none. Ms. Sharrett thanked the applicant for providing divided light windows and noted the applicant has provided very nice plants on the landscape plan. In response to Ms. Sharrett's question about the Slope, Mr. Schwalbe noted the seed mix for the sloped area is native type grasses that will not be mowed or cut. Ms. Sharrett recommended replacing some of the Green Giant type trees with Eastern Red Cedar. Also, Ms. Sharrett said to include one male Holly where 4 female Hollies are proposed. This will bring out the red berries. Mr. Bossinas raised concern about the house side elevation with no windows. Mr. Piccirillo stated that his client does not wish to provide windows on the side. He can add a small window to the attic which can elevate the side view a little bit.

43 Croton Dam Road Continued

Mr. Bossinas said he is still not in favor of the windowless side elevation. Ms. Stevens agreed. After some discussion, Mr. Piccirillo suggested adding a blacked-out window for aesthetic purposes. Mr. Bossinas recommended to place two windows horizontally on that side and add the attic window. Mr. Piccirillo agreed to update the plans to show this. Ms. Monastra will add this condition and plant recommendations to the ARB Resolution Document. Before closing the Public Hearing, Ms. Robin Sweeny, 2 Hillcrest Drive, asked the Board what the windows look out to, and who sees the windows? Mr. Bossinas noted that as the ARB, we're looking at aesthetics. Ms. Sweeny asked what do the windows face? Ms. Schemmer responded that this side would face the Road, Croton Dam Road. Ms. Sweeny said the windows could add to the noise of the roadway and to the light impact that your home receives. Being a homeowner, she respects both of those items. Again, the Board said as the ARB they're focused on aesthetics and how it looks from the road.

There were no further comments from the Public or the Board.

A motion was made by Mr. Mencher seconded by Mr. Bossinas and unanimously passed by the Board to close the public hearing for VS Construction, 43 Croton Dam Road, Architectural Review, New Single-Family Residence

A motion was made by Mr. Mencher, seconded by Mr. Enriquez and unanimously passed by the Board to Approve and direct consultant to prepare ARB Resolution of Approval for VS Construction, 43 Croton Dam Road Architectural Review New Single-Family Residence and memorialize all conditions and recommendations discussed this evening.

D'Onofrio, Lot 2 of 2 Hillcrest Drive, (Briarcliff), Architectural Review, New Single Family-Residence PUBLIC HEARING

Michael and Lisa D'Onofrio (Applicants) are seeking Architectural Review Board Approval to construct a new single-family house on vacant land. The property is located in the R-30 Single-Family Residence District and is identified on the Tax Map of the Town of Ossining as Section 90.19, Block 2, Lot 59.2.

Application materials and site plans submitted by KSCJ Consulting, dated March 1, 2024 and Architectural Drawings by DeMasi Architects, PC were on file. Mr. & Mrs. D'Onofrio, Mr. Michael Velardo, Builder, Mr. David Sessions, KSCJ Consulting, and Mr. Lou DeMasi, Architect, were in attendance. Ms. Monastra provided her memo dated April 11, 2024 for the Board's review and consideration. A letter from a resident, Ms. Judith Harris of 2 Gordon Avenue, with additional vacant land on Hillcrest, was received April 17, 2024 and submitted to the Planning Board and the Applicant for review. Ms. Harris was in attendance via Zoom.

Mr. Sessions presented the plan to the Public and the Board. He described the original subdivision from where this lot was originally created. Mr. Sessions presented all previously approved plans and resolution of Approval. Mr. Sessions noted that this new plan shows a slight decrease in disturbance and a slightly smaller footprint of house from what was previously approved. Mr. Sessions discussed part of the plan that was a concern for Ms. Harris, who wants to make sure the project allows access along the common road that leads to her property, if it were to be subdivided. Currently, the portion of Hillcrest Drive that will serve this property is unimproved. The Subdivision Resolution of Approval from 2017 page 4, J. (3) does provide for access and requires the owners of lot 2 to move or remove any guiderail at their sole cost and expense.

Mr. Ciarcia recalls a number of studies and review of the roadway was completed when the subdivision was in front of the planning board in 2017. Also, the house is required to have sprinklers due to the distance from a hydrant. Mr. Sessions continued to discuss plantings and a number of other site conditions. Ms. Sharrett pointed out that the adjacent property to this is a Nature Preserve, referred to as a Bird Sanctuary owned by the Town. This raised concern that the windows of the new home should be divided lights. Ms. Sharrett asked the applicant to explain details on the proposed 11-foot retaining wall, and if it could be terraced instead of 11 feet. Mr. Sessions said the wall provides for an area for a small yard and patio. Terracing does not really work for this site.

D'Onofrio Continued

Ms. Sharrett recommended they find an alternate for the proposed Green Giants, possibly replace with Eastern Red Cedar, and the Sugar Maples could be mixed up with other types of Maples, they all don't have to be Sugar Maples. Ms. Sharrett recommended they consider an alternate for their proposed Boxwood due to Boxwood blight. Mr. DeMasi said he can provide the divided light panels on the glass of the second-floor windows but on the first floor the applicant would like clear glass. Also, the applicant wants to go with Boxwood as shown on the plan. Board Members agreed that this is a very nice house style. At this time, Ms. Stevens asked for a motion to open the Public Hearing.

A motion was made by Mr. Mencher seconded by Mr. Enriquez and unanimously passed by the Board to open the public hearing for D'Onofrio, Lot 2 of 2 Hillcrest Drive, Architectural Review of a New Single-Family Residence.

Ms. Robin Sweeny, 2 Hillcrest Drive, said she would like to find out who to speak to so the addresses are not both 2 Hillcrest Drive. After some discussion with regard to Hillcrest Drive, the only address number available through the Town Assessors and Building Department is 2A. Number 2 Hillcrest Drive, which is Ms. Sweeny, would remain.

Ms. Judith Harris, 2 Gordon Avenue, with vacant land on Hillcrest Drive, noted that the issue of the proposed guardrail on the new house may limit access to her lot further down on Hillcrest. She noted that this issue was not adequately addressed when the original subdivision was approved. She doesn't want this, if it limits the access to the back of her property. In response, Mr. Sessions described specific language in the original Resolution of Approval from 2017, page 4, J. (3) that states "none of the improvements shall permanently or unnecessarily impede access to any of the lot immediately adjacent to Hillcrest Drive. The plans show that the location of the guiderail will allow sixteen feet of clearance to allow the continuation of driveway access to said lots". A copy of this resolution, titled "Butler Resolution of Minor Subdivision Plat, Steep Slope Permit and Tree Removal Permit Approvals" will be provided to Ms. Harris. Additionally, this issue will be enforced as a condition on the Certificate of Occupancy of the new home. There were no further comments from the public.

A motion was made by Mr. Mencher, seconded by Mr. Enriquez and unanimously passed by the Board to close the public hearing for D'Onofrio, Lot 2 of 2 Hillcrest Drive, Architectural Review of a New Single-Family Residence.

Ms. Monastra reviewed conditions and recommendations with the Board, add divided lights on the second-floor windows, security lighting is to be on motion detectors, replace Sugar Maples with one Red Maple and two native deciduous trees, swap out Green Giants for Eastern Red Cedar or something that is comparable, and the Certificate of Occupancy will reference the original subdivision resolution notes.

A motion was made by Mr. Bossinas, seconded by Mr. Mencher and unanimously passed by the Board to direct consultant to prepare ARB Resolution of Approval for D'Onofrio, 2A Hillcrest Drive Architectural Review, New Single-Family Residence and memorialize all conditions and recommendations discussed this evening.

Mr. Sessions thanked the Board. Mr. Mencher thanked Mr. Sessions for presenting information about the original subdivision to the Board.

Armstrong Plumbing & Heating, 593 North State Road Extension of time to complete Site Plan and Building Permit requirements

On March 28, 2024 the applicant submitted a letter requesting two 90-day extensions of time in order to complete site plan and building permit requirements. The applicant is ready to begin work on the property. Mr. Michael Bell, Applicant, was present on Zoom. He asked the Board for two 90-day extensions to get started.

A motion was made by Mr. Bossinas, seconded by Mr. Mencher and unanimously passed by the Board to grant two 90-Day Extensions of Time for the Armstrong Plumbing and Heating Site Plan Approval.

April 17, 2024

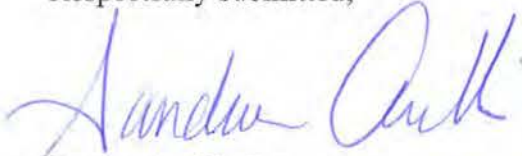
Minutes

A motion was made Mr. Mencher, seconded by Ms. Sharrett and unanimously passed by the Board to adopt Planning Board meeting minutes of February 21, 2024.

Adjournment

A motion was made Mr. Bossinas, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Planning Board meeting to May 15, 2024.

Respectfully submitted,



Sandra Anelli, Secretary
Town of Ossining Planning Board

**RESOLUTION
TOWN OF OSSINING ARCHITECTURAL REVIEW BOARD**

Application of VS Construction

Property: 43 Croton Dam Road (Section Block and Lot 89.09-1-82.4 and R-15 Zone)

Resolution of Architectural Review Approval

Background

WHEREAS, VS Construction (the "Applicant") is seeking Architectural Review Board (ARB) approval to construct a single-family house at 43 Croton Dam Road Section Block and Lot 89.09-1-82.4 ("Project Site").

WHEREAS, the Architectural Review Board confirms that the project is categorized as a Type II action under NYS DEC 617.5(c).

WHEREAS, the Architectural Review Board conducted a duly noticed public hearing on February 21, 2024.

WHEREAS, The Architectural Review Board has carefully examined the Application and the Applicant's materials as follows:

1. Architectural Review Board application dated October 19, 2023;
2. Short Environmental Assessment Form Part 1 dated October 19, 2023;
3. Site Plans by DS Provident Design Engineering, LLP dated April 1, 2024;
4. Site Plans by Michael Piccirillo Architecture dated March 13, 2024;
5. Landscape Plan;
6. Sternberg Lighting 0640 Paragon II Series light fixture details and specifications;
7. Riviera Aluminum Railing specifications;
8. Existing conditions pictures;
9. A202 Elevations (3D Color Perspectives);

WHEREAS, the Architectural Review Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting planner Valerie Monastra, AICP including the following:

- a. Memorandum dated February 16, 2024.
- b. Memorandum dated March 14, 2024.
- c. Memorandum dated April 15, 2024.

WHEREAS, the Architectural Review Board closed the public hearing on April 17, 2024. At the Architectural Review Board's April 17, 2024, meeting, the Board deliberated in public on the Applicant's request for approval.

Architectural Review Board Determination

NOW FOR IT BE RESOLVED, the Architectural Review Board determines that based upon the findings and reasoning set forth below, the application for Architectural Review Board approval are granted subject to the conditions set forth below.

I. Findings

The Architectural Review Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 55, Architectural Review Board, of the Town Code.

The Architectural Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 55-8 of the Town Code.

In accordance with Section 55-8(A) the Architectural Review Board finds the Application took 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.

Further the Architectural Review Board finds that the project meets Section 55-8 (B) and the Project:

- a. would be in harmony with the purposes of this chapter;
- b. would not be visually offensive or inappropriate because of the poor quality of exterior design;
- c. would not constitute monotonous similarity or visual discord in relation to the site or its surroundings;
- d. would not mar the appearance of the area, would not be detrimental to the character of the neighborhood; and
- e. would not prevent an appropriate development and utilization of the site and adjacent lands.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Architectural Review Board and approved by the Architectural Review Board as follows:

- a. Site Plans by DS Provident Design Engineering, LLP dated April 1, 2024.
- b. Site Plans by Michael Piccirillo Architecture dated March 13, 2024.
- c. Landscape Plan.

III. General Conditions

- a. Prerequisites to Stamping Final ARB Plan and Issuance of Building Permit: The following conditions must be met before the Architectural Review Board Plan ("Final ARB Plan") is stamped and a Building Permit is issued:
 - i. The Architectural Review Board's approval is conditioned upon the Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Architectural Review Board review of this Application.
- b. Force and Effect: No portion of any approval by the Architectural Review Board shall take effect until (1) all conditions are met, and (2) the Final ARB Plan is stamped by the Building Department.
- c. Landscaping: All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first, second, and third year of installation. Individual species that do not survive beyond the first, second, and third year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.

- d. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
 - e. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.
 - f. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy
- IV. Specific Conditions: The following conditions must be met before the Planning Board Chair may sign the approved ARB Plan ("Final ARB Plan"):
- a. The Landscaping Plan needs to be updated with all applicable Town of Ossining Landscape Details and Notes including condition III.c of this resolution.
 - b. Revise the landscaping plan to include the following:
 - i. Replace Viburnum with a Plethora
 - ii. Replace Thuja X Green Giant with an Eastern Cedar or another species from the Planning Board's approved species list.
 - iii. The Ilex Holly should be the straight species and one of the plants should be male.
 - c. Place two windows, one in the living room and one in the dining room of the house.
 - d. Place one window in the attic.

Dated as of April 17, 2024



Carolyn Stevens, Planning Board Chair
Town of Ossining

Motion by: Jason Mencher
Seconded by: Manny Enriquez
In Favor: All
Opposed: None
Abstaining: None

**RESOLUTION
TOWN OF OSSINING ARCHITECTURAL REVIEW BOARD**

Application of Michael and Lisa D’Onofrio

Property: 2A Hillcrest Drive (Section Block and Lot 90.19-2-59.2 and R-30 Zone)

Resolution of Architectural Review Approval

Background

WHEREAS, Michael and Lisa D’Onofrio (the “Applicant”) is seeking Architectural Review Board (ARB) approval to construct single-family house at 2A Hillcrest Drive Section Block and Lot 90.19-2-59.2 (“Project Site”).

WHEREAS, the Architectural Review Board confirms that the project is categorized as a Type II action under NYS DEC 617.5(c).

WHEREAS, the Architectural Review Board conducted a duly noticed public hearing on April 17, 2024.

WHEREAS, The Architectural Review Board has carefully examined the Application and the Applicant’s materials as follows:

1. Architectural Review application dated March 1, 2024;
2. Short Environmental Assessment Form Part 1 dated March 1, 2024;
3. Site Plans by KSCJ Consulting dated March 7, 2024;
4. Architectural Plans by DeMasi Architects P.C. dated December 8, 2023

WHEREAS, the Architectural Review Board has also reviewed and examined letters, reports, and memorandum from the Board’s consulting engineer, Dan Ciarcia PE, and planner Valerie Monastra, AICP including the following:

- a. Memorandum dated March 14, 2024.
- b. Memorandum dated April 11, 2024

WHEREAS, the Architectural Review Board closed the public hearing on April 17, 2024. At the Architectural Review Board’s April 17, 2024, meeting, the Board deliberated in public on the Applicant’s request for approval.

Architectural Review Board Determination

NOW FOR IT BE RESOLVED, the Architectural Review Board determines that based upon the findings and reasoning set forth below, the application for Architectural Review Board approval are granted subject to the conditions set forth below.

I. Findings

The Architectural Review Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 55, Architectural Review Board, of the Town Code.

The Architectural Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 55-8 of the Town Code.

In accordance with Section 55-8(A) the Architectural Review Board finds the Application took 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.

Further the Architectural Review Board finds that the project meets Section 55-8 (B) and the Project:

- a. would be in harmony with the purposes of this chapter,
- b. would not be visually offensive or inappropriate because of the poor quality of exterior design;
- c. would not constitute monotonous similarity or visual discord in relation to the site or its surroundings;
- d. would not mar the appearance of the area, would not be detrimental to the character of the neighborhood; and
- e. would not prevent an appropriate development and utilization of the site and adjacent lands.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Architectural Review Board and approved by the Architectural Review Board as follows:

- a. Site Plans by KSCJ Consulting dated March 7, 2024;
- b. Architectural Plans by DeMasi Architects P.C. dated December 8, 2023

III. General Conditions

- a. Prerequisites to Stamping Final ARB Plan and Issuance of Building Permit: The following conditions must be met before the Architectural Review Board Plan ("Final ARB Plan") is stamped and a Building Permit is issued:
 - i. The Architectural Review Board's approval is conditioned upon the Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Architectural Review Board review of this Application.
- b. Force and Effect: No portion of any approval by the Architectural Review Board shall take effect until (1) all conditions are met, and (2) the Final ARB Plan is stamped by the Building Department.
- c. Landscaping: All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first, second, and third year of installation. Individual species that do not survive beyond the first, second, and third year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
- d. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
- e. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.

- f. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy
- IV. Specific Conditions: The following conditions must be met before the Planning Board Chair may sign the approved ARB Plan ("Final ARB Plan"):
 - a. The Landscaping Plan needs to be updated with all applicable Town of Ossining Landscape Details and Notes including condition III.c of this resolution.
 - b. Revise the landscaping plan to include the following:
 - i. Replace Sugar Maples with Red Maples
 - ii. Replace Thuja X Green Giant with an Eastern Cedar or another species from the Planning Board's approved species list.
 - c. Security lights will be on motion detectors.
 - d. The Site Plan should refer to the November 15, 2017, subdivision resolution.

Dated as of April 17, 2024



Carolyn Stevens, Planning Board Chair
Town of Ossining

Motion by: Jason Mencher
Seconded by: Manny Enriquez

In Favor: All
Opposed: None
Abstaining: None