

July 17, 2024

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on July 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/82389859785>

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
Kim Jacobs, Alternate Member

Also Present:

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

Max Shron and Sarah Pickman, 83 Morningside Drive Architectural Review of Proposed Addition to Existing Home PUBLIC HEARING

The property is located at 83 Morningside Drive and located in the R30 One-Family Zoning District. Mr. Shron and Ms. Pickman were in attendance with Mr. Lou DeMasi and Mr. Martin Henning, Architects. Mr. DeMasi and Mr. Henning gave a brief overview of the project to the Board. The applicants are proposing an addition to an existing single-family home. The addition size triggered an Architectural Review. The addition is to the right-side elevation. The street side is keeping to the look of the existing structure. It's one-story, level with the existing house. Hardie Plank siding is proposed. At this time Mr. DeMasi passed around a sample of the siding, a bright light green color. Trims are proposed to be white in color.

Ms. Stevens asked for a motion to open the Public Hearing. **Mr. Mencher made a motion, seconded by Mr. Bossinas and it was unanimously passed by the Board to open the public hearing for Max Shron and Sarah Pickman, 83 Morningside Drive Architectural Review of Proposed Addition to Existing Home.**

Ms. Monastra submitted a comment memo dated July 12, 2024, in advance of the meeting. The addition includes two bedroom, two bathrooms, a mudroom and a laundry room. The property is located at 83 Morningside Drive and located in the R30 One-Family Zoning District. Plans and application materials were on file and submitted to the Board. Drawings prepared by DeMasi Architects P.C., dated February 21, 2024 and site development plan by Patrick Bell, PE of Cronin Engineering dated July 1, 2024.

The project is categorized as a Type II action under SEQRA. At the time of submission, the applicant did not provide a zoning table for the proposed project. It was also noted that the proposed bay window proposed a metal roof and the existing bay window on the opposite end, which appears to match the proposed bay window but has no roof at all. The indicated exterior light to be relocated to the new back entrance is not shown on the rear elevation. Species details for the new pollinator meadow are not provided.

Mr. DeMasi responded to memo items at the meeting. Mr. DeMasi brought a revised set of plans to the meeting. This was not enough time for proper review. However, the zoning table was provided on the new plans. Mr. DeMasi brought color photos of neighboring properties to pass around. The new plan also had a lighting detail. Mr. Mencher asked if there was a buffer between properties. Mr. Shron said there is an existing natural buffer between neighbors and nothing is being removed. The pollinator garden and plantings were discussed with Ms. Sharrett who is in favor of their proposal.

Ms. Stevens asked if there was anyone in the audience or on zoom who would like to comment on this Public Hearing. There were none from the Public. Ms. Sharrett commented on the green color of the siding sample provided which seemed to be a very bright shade of green. Mr. DeMasi said it could be toned down a bit.

83 Morningside Continued

Ms. Monastra recommended the public hearing remain open since there are a number of items that the applicant brought in that will require additional review. After the Board discussed these issues, Ms. Addona said the Board can authorize the preparation of Resolution subject to the applicant providing information requested, but they'll need to come back next month. Mr. DeMasi argued that they have provided updates as of tonight and the color can change that to what the applicant sees fit. The Board agreed to approve the application and draft a resolution subject to the planners review of items submitted, including the zoning table.

A motion was made by Mr. Bossinas, seconded by Mr. Mencher and unanimously passed by the Board to close the Public Hearing, approve the application, authorize preparation of resolution subject to planners review of submission which needs to include a zoning table, lighting detail and window changes for Max Shron and Sarah Pickman, 83 Morningside Drive Architectural Review of Proposed Addition to Existing Home.

Mr. DeMasi left three sets of plans that were revised for review. Ms. Monastra asked him to provide these in digital form as well. The applicants thanked the Board.

North State Development Group, 549 North State Road, Site Plan Review Change of Use to existing interior retail space

ARQ Architecture P.C. ("Applicant") is seeking Site Plan approval for a new restaurant at 549 North State Road. The applicant proposes to adaptively reuse the existing building. The Project will be located at 549 North State Road, Section, Block, and Lot 90.15-1-44 ("Project Site"). The Project Site is located in the GB, General Business District. Mr. Jorge B. Hernandez, ARQ Architecture PC, Applicant's representative was in attendance. Plans and application materials prepared by ARQ dated June 12, 2024 were submitted and on file. Ms. Monastra submitted and reviewed her comment memo dated July 11, 2024. The project is located in the GB General Business district and is categorized as a Type II action under SEQRA.

Parking. The Project Site provides 51 parking spaces, but the applicant will need 59 spaces. They are seeking a reduction in the required parking per §200-29(A)(7), Combined Spaces. However, the section of the code states "when any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses are not in operation, the Planning Board may reduce the total parking spaces required for that use to the least requirement." No information has been provided that demonstrates the various demand periods for the site. Please provide this information.

Lighting. The existing lighting is not proposed to change from the approved plan. Will the lighting be illuminated for longer periods of time than the prior use of the site?

Signs. Is the applicant proposing any new signs for the site?

Mr. Hernandez received a copy of the memo in advance of the meeting. He gave a brief overview of the project to the Board. Mr. Hernandez pointed out areas of table seating, bar seating, restrooms and a new kitchen area. They are also looking to open up a back walk-in entrance for employees and deliveries. Ms. Sharrett noted that there is probably not a door there because the back of this building abuts a residential home. Mr. Hernandez said it would be for employees and supplies drop off, not for the general public and there's a high retaining wall that would hide this door from neighboring properties. He also provided a parking tabulation which shows the entire site has 51 parking spaces. Building A, which is this project, currently has 18.5 parking spaces. Ms. Monastra noted that Mr. Hernandez is asking the Board to consider Chapter 200-29A(7) Combined Space Use of the Town Zoning Code:

549 North State Road Continued

Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses are not in operation, the Planning Board may reduce the total parking spaces required for that use to the least requirement.

Mr. Hernandez presented a chart that shows when the existing businesses are utilizing the parking lot. He also noted when the other businesses close around 5:00 pm or 6:00 pm. This will open up additional parking for the proposed restaurant. The Board expressed concern with hours of operation of the entire site. Mr. Mencher asked for more detail on this. Mr. Hernandez said they would operate like a normal restaurant 8:00 am to 10:00 pm. This needs to be indicated on the plan along with lighting and music if any. Ms. Addona clarified that outdoor dining is not permitted. This applicant is not proposing outdoor dining. Mr. Bossinas urged the applicant to be mindful of adjacent residential properties. Ms. Sharrett also mentioned that the trees on this original site plan are somewhat dated and if they were to lose a tree, or cut the existing site plan trees down, she would like it memorialized in the resolution for this site that all future trees be native species and refer to the Town's website for plant recommendation list and guidance.

After some discussion, the Board agreed that the plan needs additional details and information. Mr. Hernandez will update the plans and resubmit for the next meeting of the Planning Board. Mr. Hernandez thanked the Board.

Crotonville Owner LLC, 1 Old Albany Post Road, Petition for Zoning Text Amendment and Site Plan Review

Mr. Clay McPhail, Applicant/Owner, Mr. Brad Schwartz of Zarin & Steinmetz, Ms. Bonnie Von Ohlson, and Mr. John Canning, Kimley-Horn Engineering and Landscape Architecture of New York, PC, were in attendance. Crotonville Owner LLC ("Applicant") is seeking an amendment to the Town's Zoning chapter of the Town Code to modify the BE, Business Education, District regulations to facilitate the planned re-purposing of the former General Electric ("GE") management-training facility, located at 1 Old Albany Post Rd ("Project Site") by expanding the permitted uses of the site. The applicant is also seeking Site Plan approval for the planned reuse of each of the 12 existing buildings at the Project Site. There are no new buildings, or expansion of existing buildings, planned or proposed at this time. The applicant proposes to adaptively reuse the existing buildings.

Ms. Monastra submitted and reviewed her memo dated July 11, 2024.

GENERAL AND PROCEDURAL COMMENTS

1. **SEQR.** This project is categorized as a Type I action under SEQR because the project proposes "the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district." The Town Board sent a Notice of Intent to be Lead Agency. This will be a coordinated review process with the Planning Board acting as an Involved Agency.
2. **Site Plan Approval.** This application requires a Site Plan approval from the Planning Board and a public hearing is required.
3. **Planning Board Recommendation.** The applicant is seeking a zoning text amendment for the uses of the site, which requires a recommendation from the Planning Board. While we provided initial feedback on the zoning amendment, we offer the following additional comments on the current draft:
 - a. §200-19.1(B) should be removed. A provision requiring site plan approval is found in the introduction to §200-19.1.
 - b. There are two definitions, senior living facilities and assisted living facilities within the proposed zoning text amendment. Which one is being proposed as the additional permitted use?

- c. §200-19.1(F)(14) identifies the following as potential accessory uses “other activities as are customarily associated with a Conference Center, Hotel, Restaurant, or Senior-Living Facilities.” It is recommended that these uses be defined or have examples provided in the proposed text amendment.

SITE PLAN COMMENTS

While the applicant is not proposing any interior or exterior renovations at this time, we offer the following operational site plan comments:

1. **Uses.** We understand that the applicant is proposing new uses as part of the zoning text amendment, but the applicant is only seeking site plan approval for the anticipated short-term uses of the Project Site. The site plan contains a table listing the existing and proposed uses. The table notes 248 existing guest rooms, but the proposed use notes up to 300 guest rooms. Is this part of the current site plan proposal? If not, please remove it from the site plan. If so, please identify where those units will be located and what interior or exterior work would be associated with these additional units.
2. **Accessory Uses.** The site plan notes proposed additional accessory uses of “existing ballrooms, event spaces, banquet halls, spa/wellness, personal services, EV charging.” Are these uses existing or are they proposed? If they are proposed, will they be open to the public or only to those staying at the hotel/conference center? Please identify where those uses will be located and what interior or exterior work would be associated with these additional uses.
3. **Parking.** The applicant should provide a parking table based on the proposed uses and the anticipated need per §200-24(A)(2) for the BE District. The parking memo provided anticipates a future use of 300 rooms for SEQRA purposes but does not reflect the current proposed site plan. Please provide an updated parking memo that reflects the proposed site plan. See comments on the uses and accessory uses above.
4. **Traffic Study.** The applicant provided a traffic impact study. This study is being reviewed and comments will be submitted once the review is complete.
5. **Lighting.** The lighting is not proposed to change from the existing conditions. However, will the lighting be illuminated for longer periods of time than the prior use of the site?
6. **Signs.** Are you proposing any new signs for the site?

SUBMISSION MATERIALS

The following materials were submitted by the Applicant and examined by our office for the preparation of this review:

- Planning Board Application dated July 1, 2024
- Site Plan by Kimley Horn last revised June 28, 2024
- Parking Memo by Kimley Horn last revised June 27, 2024
- Traffic Impact Study by Kimley Horn last revised June 2024

Ms. Addona provided an update and this is currently in front of the Town Board for a Zoning Text Amendment. The applicant came to the Town Board and appeared at a work session back in early May. This property is located in the Business Education (BE) zoning district. The Town Board declared intent to be lead agency for SEQRA purposes and at that time there was no site plan application pending and also the understanding was the applicant was not going to involve any physical alterations, expansions or additional structures to the site.

Town Board members also rely on the Planning Board’s expertise and input and the referral was made to for feedback. As mentioned earlier, the three issues that are really for planning this evening are the SEQRA environmental review on both the zoning of the site plan and then the zoning text amendments themselves and the site plan application. The Planning Board cannot take any action on site plan, which is included in the submission, until the Town Board has taken action on the zoning. Prior to that happening, the Town Board is looking for this Board’s feedback on those issues so that they can take that into consideration.

Crotonville Owner LLC Continued

There's a continuation of the public hearing by the Town Board, July 23, 2024, any feedback the Planning Board can provide at that time would be very helpful guiding the process. Ms. Addona and Ms. Monastra will compile comments that the Board has this evening.

Mr. Schwartz, introduced applicant/owner, Clay McPhail, Bonnie Von Ohlsen, Kimley-Horn and John Canning, Kimley-Horn. Mr. Schwartz said this is an unconventional site plan application. No new construction proposed. They are simply here asking the Planning Board to review uses that would occur in the existing 12 buildings. In the existing zoning petition, business training is extended and proposing a coffee set up to the hotel restaurant and potentially senior living which is very consistent with what's going on at the property.

At this time, Ms. Von Ohlsen, presented slides and areal views of the property and also reviewed her memo dated June 28, 2024, titled "Crotonville Conference Center Narrative: Existing and Proposed Uses". Mr. Canning discussed traffic items and reviewed memo originally dated May 22, 2024, revised June 27, 2024, titled "Parking Assessment for Proposed GE Training Center Site Re-Zoning". Copies of these memos are posted and available on the Town of Ossining website for review.

Ms. Sharrett raised concerns regarding the existing helipad which is very close to a residential neighborhood. Mr. Canning confirmed that this is to remain. Mr. Mencher asked if hotel guests or wedding couples will be allowed to arrive by helicopter. This item should be held open for more review. Ms. Addona noted that there is an existing program and permit on file with the Town which provides monthly reports and notice in advance of when it's in use. Ms. Monastra confirmed that there are very specific regulations that they have to abide by. These regulations are not proposed to change from the original. With regard to overall use of the property, Mr. Mencher said it's consistent with what it was being used for now but the intensity of it is going change to be much more. He also asked if the hotel will be a brand hotel or boutique hotel. Ms. Stevens asked if it would be available to the general public, as well as the restaurants. Mr. McPhail noted that right now, you can't stay at the property unless you are here for a conference, at least until there's a zoning change so it can be opened up to the general public.

Ms. Stevens also raised concern with respect to their request under senior living facilities. The Board agreed, senior living and assisted living are two very different things. The applicant noted the number of guest rooms related to the hotel/conference center and/or senior living shall be no greater than 300 in total. The Board agreed that this seems to create an overlap of uses, or too much of an open end of non-specific uses. Mr. Bossinas said senior living should be left out, he feels it does not need to be included as a permitted use for this property.

Definition for Senior Living below:

SENIOR-LIVING FACILITIES Assisted-living facilities, retirement homes, adult-care facilities or retirement communities that have a license to operate from the New York Department of Health; provided, however, that not all units within the property must be licensed units. This also includes a facility established and operated for the purpose of providing residential housing to residents ages 55 years and older in community-integrated settings with independent living facilities and supportive services, such as meals, housekeeping, social activities, transportation, emergency response and resident advisory.

Ms. Sharrett raised concern that there is no specific plan to review. After some discussion, Ms. Monastra noted that the first step in the process is that the Planning Board consider that the Town Board wants to be lead agency on this issue. With the Town Board acting as lead agency, the planning board will still be able to provide input and identify small, moderate, or large impacts that need to be studied on the project especially for the proposed zoning changes. The Planning Board will still be part of the SEQRA process.

Ms. Addona said the applicant has provided some traffic and in terms of what they're actually proposing, the Hotel Conference Center that this Board can look at in terms of the worst-case scenario. The other potential uses under the senior living umbrella discussed, that's more generic. Mr. Bossinas asked why senior living has to be included. Ms. Addona said, the intention is so they don't have to keep coming back every time for zoning. They would still have to come to Planning Board and get a special permit approval for that. As part of the zoning petition SEQRA review, the Planning Board can raise those issues.

Crotonville Owner LLC Continued

Mr. Bossinas said the hotel conference center use is great and would want that to be very successful, but feels strongly about the fact that if they're adding senior living facilities is because that is what the plan will ultimately be. He believes the senior living part of the request should not be included in this.

The Board discussed the senior living item further and then the additional accessory uses. It was noted that the senior living component is limited to 300 units and there are no proposed exterior changes to the site. Ms. Monastra clarified to the Board that this is the beginning of the process, the Planning Board can raise the issue of the senior living part with the Town Board. After further review of additional proposed uses, accessory uses, definitions and site plan, the Board agreed it would be important to get public input on the plan. Ms. Stevens asked the Board for a motion to open a public hearing.

A motion was made by Mr. Bossinas, seconded by Mr. Mencher and unanimously passed by the Board to open a public hearing for Crotonville Owner LLC, 1 Old Albany Post Road Site Plan Review August 21, 2024.

Ms. Sharrett recommended asking the applicant to consider additional planting and to consider the required buffer zone distance for any outdoor activities taking place on site. Planting resources are available online at the Town's Planning Board page, <https://www.townofossining.com/cms/boards-committees/planning-board>. The outdoor activity buffer areas should also be shown on the plan.

Town Consultants will prepare a memo of comments discussed this evening to send to the Town Board as part of SEQRA review and recommendations to the Zoning Text Amendment part of this application currently in front of the Town Board. The applicant will resubmit a plan for the Planning Board's Site Plan public hearing. The Applicants thanked the Board.

Minutes

A motion was made Mr. Mencher, seconded by Mr. Enriquez and unanimously passed by the Board to adopt Planning Board meeting minutes of April 17, 2024.

Adjournment

A motion was made Mr. Mencher, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the Planning Board meeting to August 21, 2024.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: August 21, 2024

**RESOLUTION
TOWN OF OSSINING ARCHITECTURAL REVIEW BOARD**

**Application of Maxwell Shron and Sarah Pickman
Property: 83 Morningside Drive (Section Block and Lot 90.15-14-21 and R-30 Zone)**

Resolution of Architectural Review Approval

Background

WHEREAS, Maxwell Shron and Sarah Pickman (the "Applicant") are seeking Architectural Review Board (ARB) approval to construct an addition to a single-family house at 83 Morningside Drive Section Block and Lot 90.15-14-21 ("Project Site").

WHEREAS, the Architectural Review Board confirms that the project is categorized as a Type II action under NYS DEC 617.5(c)(11).

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

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

1. Architectural Review Board application dated July 1, 2024;
2. Short Environmental Assessment Form Part 1 dated June 25, 2024;
3. Site Plans by Cronin Engineering, dated July 1, 2024;
4. Architectural Plans and Elevations by DeMasi Architects, P.C. last revised July 12, 2024;
5. Supplemental Materials dated July 1, 2024
6. Draft Planting Plan dated July 14, 2024
7. On-Site Wastewater Treatment Plan by Cronin Engineering dated March 25, 2024

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 July 12, 2024.

WHEREAS, the Architectural Review Board closed the public hearing on July 17, 2024. At the Architectural Review Board's July 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 is 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. Architectural Plans by DeMasi Architecture, P.C. dated February 12, 2024, revised July 12, 2024.

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:

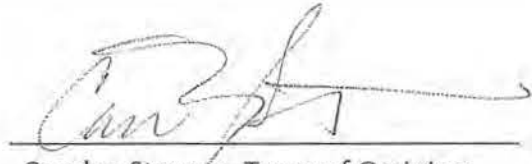
- i. The Architectural Review Board's approval is conditioned upon the Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant 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. None.

Dated as of July 17, 2024


Carolyn Stevens, Town of Ossining
Planning Board Chair

Motion by: Jim Bossinas
Seconded by: Jason Mencher
In Favor: All
Opposed: None
Abstaining: None