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Via Email (tc@townofossining.com)

Supervisor Dana Levenberg and Members of the Town Board
Town of Ossining
16 Croton Avenue
Ossining, NY 10562

Re: **Application of Hudson Park Group, LLC, successor to Glenco LLC, (the “Applicant”) for the rezoning of property located at 40 Croton Dam Road, Ossining, NY and known as the River Knoll multifamily development (the “Project”)**

Dear Supervisor Levenberg and Members of the Town Board:

We represent Antonio Santucci and Marisa Caruso. We write to express our continued objection to the Project and ask that this letter be made part of the record of proceedings in this matter. The Applicant now proposes an MF zone district for a 98-unit, aged-restricted townhouse development as opposed to its MF-2 proposed zoning district. Even with this new pivot by the Applicant, the Project is still inappropriate for this neighborhood and is an attempt to shoehorn a high-density development in an area that is simply not zoned for it.

The fact that the Applicant has decided to go from an MF-2 to an MF does not cure the defects in this application. This rezoning is inconsistent and incompatible with the immediate surrounding area which consist of single-family homes. As we have previously stated to the Board, a responsible developer and property owner should redevelop or re-use this site in accordance with the existing R-15 zoning in place, as was contemplated by the Town’s Master Plan. This is still spot zoning. As with the previous MF-2 application, this new MF “age-restricted” application is for the exclusive and sole benefit to this Applicant at the expense of hundreds of other residents.

The timing of this application is also questionable. Why now, with the Town in the middle of a comprehensive master plan review, with a comprehensive plan committee in place, is this Project being pushed through? From a process standpoint, it would make sense for the Town to complete its Comprehensive Master Plan review and thoroughly assess the merits of this Project in the context of a new master plan and new legislation in furtherance of that plan. To that end, Applicant's revised proposal should not be entertained by the Town Board at this time. As this Board is aware, it is entirely within the Board's discretion to entertain or not entertain this proposal. Why is there such a rush by this Town Board to appease this Applicant?

We have serious concerns regarding how this Board could allow this process to continue to go forward when the Project is completely at odds with zoning and the goals of the Town's Comprehensive Master Plan of 2002 (the "Master Plan") and is being considered in the middle of a comprehensive master plan review. The Master Plan never contemplated this site as being multi-family. The Master Plan does not address the property at all or multifamily zoning for this site. The Town has yet to address this issue or the fact that the Master Plan recommends limiting the intensity of development in this neighborhood, not increase it.¹

We remind the Board about the circumstances of the purported 2015 Comprehensive Plan "Update" that is cited by the Town as the mechanism to hear this application. In that regard, the Town's purported Master Plan "Update" of 2015 was an attempt to back in this Project as something the Town can later use to rely upon as being "contemplated by zoning." The Update had only one sentence that mentions the Stony Lodge project. It calls for the Town Board to be "open to the analysis of zoning" and that this property "be adaptively reused or redeveloped in a manner feasible and which protects surrounding neighborhoods." A mere one sentence in a Master Plan does not justify this Project or make for a recommendation that a developer or the Town can justify as reason to support it.

¹ Page C-1 of the Master Plan as it pertains to residential use states that its goal is to "Preserve the quality, character and stability of neighborhoods in the Town of Ossining." Its objective is to "protect residential areas *from the intrusion of incompatible uses* by equitably enforcing the local zoning and building codes" (emphasis added). Page G-1 of the Comp Plan as it pertains to Future Development and Redevelopment states as its goal "to Promote development and redevelopment which is consistent with the current scale and historic character of the community" with the objective to "limit that amount and intensity of land use development to levels which minimize traffic congestion on area roadways, encourage use of transit, and are appropriate to the Town's scale and character." Rather than minimize traffic and congestion on area roadways, this Project will add hundreds of vehicles to roads that were never contemplated by the Town's Master Plan to sustain this type of use. The Project, as proposed, does not constitute an adaptive reuse or redevelopment of this property.

Recently, Ms. Caruso submitted a FOIL request seeking records and recordings regarding the 2015 Town Comprehensive Plan update. Incredibly, the Town responded that recordings/transcripts of the public “work meetings” on the 2015 Update held on July 17, 2014, August 21, 2014, September 18, 2014, and October 16, 2014, “do not exist.” The public hearing held on July 1, 2015, lasted approximately six-minutes, and was adjourned to September 1, 2015. Most of the September 1, 2015 meeting was for a discussion on local laws, followed by a few minutes on the comprehensive plan revisions. At no point during the public hearing was the Stony Lodge portion of the revisions ever introduced or discussed.

To that end, in accordance with Town Law § 272-A:

6. Public hearings; notice. (a) In the event the town board prepares a proposed town comprehensive plan or amendment thereto, the town board shall hold one or more public hearings and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of such proposed plan or amendment, and in addition, the town board shall hold one or more public hearings prior to adoption of such proposed plan or amendment.

Because no records exist of the 2015 public work meetings or notice on the comprehensive plan updates or amendments as required by law, any reliance on such “Update” to push this Project through is inappropriate, in violation of law and fatal to this Application.

The public notice for the April 7, 2021 states that the Planning Board will conduct a Public Scoping Session regarding the Supplemental Draft Environmental Impact Statement (“SDEIS”). How can the Town begin a discussion on scoping when questions remain unanswered as to the Comprehensive Plan, which is the first thing the Town must address? The appropriate and sensible act to be taken by the Town and its agencies is to pause any consideration of this Project until such time as the work of the Town’s Comprehensive Master Plan committee is completed and the Town adopts a new Comprehensive Plan.²

² How is it that the Town’s planning consultant and Applicant be permitted to meet privately to discuss this Project, when the correct course of action would have been for the planner and Applicant to work with the Comprehensive Plan Committee to align all stakeholders in coming up with a legal, and appropriate Comprehensive Plan?

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Any high-density Project will forever change the character, landscape, and look of this well-established, single-family neighborhood. The Applicant should resubmit a plan that complies with the R-15 zone already in place without having to resort to illegal spot zoning. If not, the Board should table any discussion or consideration of this Project until after such time the Town establishes a legally sound, duly, and appropriately noticed Comprehensive Master Plan, considering the legitimate concerns of the residents that are impacted by this Project. We reserve our rights to supplement the record in this matter as more information becomes available through this process and ask that we be notified of any public meetings or public hearings regarding this matter. Thank you.

Very truly yours,

BLEAKLEY PLATT & SCHMIDT, LLP

s/ Lino J. Sciarretta

LINO J. SCIARRETTA

cc: Christie Addona, Esq. (*via email*)
Town of Ossining Planning Board (*bldgdept@townofossining.com*)