

## Chapter 3: Comments and Responses

### I. INTRODUCTION

This Final Environmental Impact Statement (FEIS), addresses comments that were made on the Draft EIS (DEIS), either presented verbally at the Public Hearing held on April 4, 2018 or provided in writing through May 16, 2018. This includes all comments made by the public or their representatives, public officials, and interested and involved agencies.

The DEIS, prepared on behalf of Glenco LLC, (the Applicant), analyzed the potential environmental impacts of the proposed zoning action and the Proposed Project. This chapter summarizes the substantive verbal and written comments submitted on the DEIS. Similar comments in terms of subject or technical points are grouped together in correlation with the chapters of the DEIS and the commenters are noted in parentheses after the comment. Some comments have been paraphrased, with careful attention to ensure that the substance of the comment is preserved. Full transcripts of public testimony and complete correspondence from which these summaries are drawn can be found in **Appendix A**.

### II. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. Norma V. Drummond, Acting Commissioner, Westchester County Planning Board, written comments dated March 30, 2018 (N.V. Drummond)
2. David Stolman, Michael Galante, and Marilyn Timpone-Mohamed, Frederick P. Clark Associates, Inc. ("Town Planner"), Substantive Review Memo received May 16, 2018 (D. Stolman, M. Galante, and M. Timpone-Mohamed)
3. Dana Levenberg, Town Supervisor, Town of Ossining Town Board, written comments received June 6, 2018 (D. Levenberg)
4. Raymond Sanchez, Superintendent, Ossining Union Free School District, written comments dated July 11, 2018 (R. Sanchez)
5. Mitzi Elkes, Chairperson, Town of Ossining Environmental Advisory Committee, written comments dated June 25, 2018 and November 16, 2018 (M. Elkes)
6. Jack Reilly, 23 Claremont Road, verbal comments received April 4, 2018 (J. Reilly)
7. John Leslie, resident on Dale Avenue, verbal comments received April 4, 2018 (J. Leslie)
8. Bob Celente, 13 Feeney Road, verbal comments received April 4, 2018 (B. Celente)
9. Ray Santucci, 29 Grandview Avenue, verbal comments received April 4, 2018 (R. Santucci)
10. Nancy Kennedy, 22 Croton Dam Road, verbal comments received April 4, 2018 (N. Kennedy)
11. Aaron Spring, 64 Meadow Road, verbal comments received April 4, 2018 (A. Spring)
12. Rocco Trapasso, Jr., 43 Pershing Avenue, verbal comments received April 4, 2018 (R. Trapasso, Jr.)
13. Charles Callahan, 22 Oakbrook Road, verbal comments received April 4, 2018 (C. Callahan)

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14. Henry Grossman, resident, verbal comments received April 4, 2018 (H. Grossman)
15. David Whitlinger, resident, verbal comments received April 4, 2018 (D. Whitlinger)
16. Jess Vecchiarelli, 94 Locust Road, verbal comments received April 4, 2018 (J. Vecchiarelli)
17. Maria Caruso, resident, verbal comments received April 4, 2018 (M. Caruso)
18. Karen Palmieri, resident on Grandview Avenue, verbal comments received April 4, 2018 (K. Palmieri)
19. Lou Castronova, resident on Narragansett, verbal comments received April 4, 2018 (L. Castronova)
20. Juan Bedoya, 4 Birchbrook Road, local resident verbal comments received April 4, 2018 (J. Bedoya)
21. Marianne Lattin, 4 Dewars Court, verbal comments received April 4, 2018 and written comments received May 14, 2018 (M. Lattin)
22. Alex Vallone, 11 Birchwood Road, verbal comments received April 4, 2018 (A. Vallone)
23. Caroline Curvan, 11 Hawkes Avenue, verbal comments received April 4, 2018 (C. Curvan)
24. Joanne Gelsi, resident, emailed comments received April 5, 2018 (J. Gelsi)
25. Donna Sharrett, resident, emailed comments received April 9, 2018 (D. Sharrett)
26. George and Bertha Seitz, 6 Cherry Hill Circle, written comments received April 18, 2018 (G. and B. Seitz)
27. Donna and Noel Markham; Kathy Lapine, resident, emailed commented received May 7, 2018 (D. and N. Markham; K. Lapine)
28. Richard Damiano, resident, written comments received May 8, 2018 (R. Damiano)
29. Eiko Inoue, resident, emailed comments received May 14, 2018 (E. Inoue)
30. William M. Pool Owens, resident, written comments received May 14, 2018 (W.M. Pool Owens)
31. Bernadette DeAngelis, resident, emailed comments received May 15, 2018 (B. DeAngelis)
32. Colleen Donnelly, resident, emailed comments received May 15, 2018 (C. Donnelly)

### III. COMMENTS AND RESPONSES

#### Chapter 2: Project Description (and General Comments)

**Comment 2-1:** The EAF states there will be no impact on open space and recreation. With 370 parking spaces and 188 units, what will Veterans Park be like? On the weekends? (J. Reilly, Appendix A, transcript of Town Board Meeting, Commentator #6, page 11)

**Response 2-1:** *First, it should be noted that in response to comments, the Applicant has reduced the number of units at River Knoll from 188 to 174, and increased the number of one-bedroom units. This modification to the project will reduce the required number of parking spaces and reduce the estimated number of residents.*

*Second, it can be expected that River Knoll residents will enjoy use of Veterans Park, at the same rate of use as other town residents, although it is likely that River View residents may use Town facilities less due to on-site recreation facilities, particularly if the River Knoll project site is integrated into a Town-wide pedestrian/bike system. In addition, the residents of River Knoll will have access to 14 acres of open space on the Project Site and an array of on-site recreational amenities such as a fitness center with state-of-the-art exercise equipment, a yoga studio, a club room providing gathering areas, billiards, and Wi-Fi equipped library areas, a swimming pool, an outdoor kitchen for private entertaining, extensive landscaping, a 'dog spa', and a dedicated dog walk. The River Knoll Management Association (RKMA) will manage and protect on-site recreation and open space areas. The potential impact to municipal recreation facilities will be mitigated by an estimated \$682,843 property and school tax obligation, based on 2018 Property Tax Rates.*

*Finally, as required by Town Code, the Applicant may pay a recreation fee to accommodate future River Knoll residents using Town recreation facilities. Also, as permitted by the Town Code, it is expected that the Applicant will ask the Planning Board to adjust the fee in relation to the recreation facilities that will be provided as part of the River Knoll site amenities, as well as that 10% of the units at River Knoll will be reserved for affordable housing.*

**Comment 2-2:** I think it needs to be scaled down. Again, you're like a giant in a small – a giant puzzle piece that just doesn't fit in that area of the town. (J. Reilly, Appendix A, transcript of Town Board Meeting, Commentator #6, page 13)

**Response 2-2:** *Comment noted. The Proposed Project is designed to adaptively reuse a site that has been historically different from the surrounding single-family neighborhood. Stony Lodge Hospital was a residential treatment facility for adolescents with up to 61 residents and 250 staff. The main hospital building was concentrated at the top of the site and surrounded with surface parking lots. In addition, nine accessory buildings, each with surface parking area were further located throughout the property. Once River Knoll is completed, instead of the site being a (former) institutional use surrounded by residential uses, River Knoll will be a single multifamily residential use surrounded by single family residential uses.*

**Comment 2-3:** We don't have the financial ability, the expertise law-wise or real estate-wise to fight a multimillion-dollar corporation. That is what you're here for. To help the community and help us. (R. Trapasso, Appendix A, transcript of Town Board Meeting, Commentator #12, page 25)

**Response 2-3:** *The Town is represented by professional planners, traffic engineers, and land use attorneys to ensure that the community is adequately served. The Town's consultants have advised the Town Board and Planning Board on the environmental review process (SEQRA), and have reviewed the methodology, data input, and conclusions from each and every study contained in the DEIS.*

*The town's consultants are listed below along with a brief description of each consultant from the respective website:*

*Silverberg Zalantis LLP - Town Attorney*

- *New York municipal law lawyers that handle cases involving real estate developments, complex commercial transactions, and eminent domain actions. Core areas of practice include zoning, land use, municipal, and real estate law to provide transactional, litigation and appellate services.*

*Frederick P. Clark Associates – Town Planner*

- *Planning consulting practice that focuses on municipal and county planning and the development of implementing regulations, as well as traffic and environmental services. The firm has a commitment to assist in shaping and guiding community growth while protecting the environment.*

*Ciarcia Engineering – Consulting Engineer to the Planning Board*

- *Licensed professional engineering firm specialized in evaluating and designing many types of facilities during all phases of construction. The firm has extensive experience with investigation and troubleshooting for all types of buildings and work site elements.*

**Comment 2-4:** This impact is going to be horrendous and all of these studies have to be taken with a grain of salt because who is paying for the studies. This is about statistics. You can slant them any way you wish. (Grossman, Appendix A, transcript of Town Board Meeting, Commentator #14, page 31)

**Response 2-4:** *As noted in Response 2-3 above, the data and studies provided by the applicant to the Town have been reviewed by the Town's professional consultants. In many cases, the studies have been modified and/or expanded at the request of the Town so that the Town Planning Board, acting as Lead Agency, can conduct the 'hard look' required by SEQRA to make a determination that the studies are complete in content and adequacy, and meet the intent of the Scope that was adopted by the Planning Board. In some cases, the Planning Board has requested further clarification and/or detail regarding potential adverse impacts, and those responses are contained in Chapters 1 and 2 of this FEIS.*

**Comment 2-5:** To put a large building in a community of single-family homes, surrounded by a wooded area is just – it is wrong. I am imploring, I am begging this board, please don't do this to our community. (K. Palmieri, Appendix A, transcript of Town Board Meeting, Commentator #18, page 43)

**Response 2-5:** *Comment noted. The Proposed Project is designed to adaptively reuse a site that has been historically different from the surrounding single-family neighborhood. Instead of the institutional site being surrounded by residential uses, the proposed residential use will be surrounded by more similar residential uses. As previously noted, for over 91 years, Stony Lodge Hospital was a residential treatment facility providing acute care inpatient services for up to 61 adolescent residents and 250 staff. The main hospital buildings were concentrated at the top of the site with accessory buildings scattered throughout. As such, River Knoll will increase the compatibility of land uses (as opposed to the former hospital) and at the same time increase the open space as noted in Response 2-2.*

**Comment 2-6:** I don't want this project. I am just like everybody else, but I think the thing that would seal the deal is we get an impartial party to conduct the traffic and do the sewage assessment. (L. Castronova, Commentator #19, Appendix A, transcript of Town Board Meeting, pages 47-48)

**Response 2-6:** *Comment noted. The data, methodology and findings from the studies included in the DEIS were based on a scope that was developed and adopted by the Planning Board, as lead agency. The studies were reviewed by the Town's professional planning, engineering, and legal consulting staff, and found to be complete. See also Response to Comment 2-3.*

**Comment 2-7:** If they are catering to empty nesters, they are going to have two cars. Now in the two bedrooms, they will have three cars. And what about the visitors. So that is – it doesn't belong in the area it is. (L. Castronova, Appendix A, transcript of Town Board Meeting, Commentator #22, pages 48-49)

**Response 2-7:** *As noted above, the proposed River Knoll project is situated on a site that was, up until 2012, a residential treatment facility for up to 61 acute care adolescent inpatients and 250 support staff. With the reduction in the number of units to 174 and an increase in one-bedroom units, the number of parking spaces will also be reduced. As previously noted, the majority of parking will be provided within the single building on the site for residents and their guests, with guest parking provided around the building. The proposed parking meets the Town's parking requirements. It should be noted that approximately 125 surface parking spaces were located on-site for the former Stony Lodge Hospital – 25 of these parking spaces were located within 10-20 feet of the property line with another 40-50 parking spaces within 100 feet of the property line. These parking spaces will be removed and will be replaced with a landscape buffer. In addition, River Knoll will provide a jitney service and ridesharing app for residents for transportation to the train station and downtown areas. With the number of one-bedroom units being increased from 46% to 52% of the units being one-bedroom, a large portion of the project will be occupied by singles with only one vehicle.*

**Comment 2-8:** The narrative on page 2-4 states that the Proposed Action would “protect the expansive and beautiful meadows.” However, approximately two-thirds of the meadow located along the Croton Dam Road frontage of the property would be disturbed by grading and the creation of steep slopes, and installation of stormwater management facilities. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 1)

**Response 2-8:** *Construction of River Knoll will require portions of the site to be temporarily disturbed, including the meadow along Croton Dam Road. First, creating a safe access drive will require that the existing driveway be widened. Second, as previously noted, currently the site provides no stormwater management – neither for water quality nor water quantity- stormwater runs off the site unimpeded. To manage stormwater for the Proposed Project – that is to capture and treat runoff for improved water quality and to reduce the rate and volume of runoff, the site will need to be temporarily disturbed to install stormwater infrastructure – including within the front meadow. Finally, removing existing surface parking areas and out-buildings that are located adjacent to several residential neighbors and within the perimeter of the site, will also require the site to be temporarily disturbed. However, upon completion of River Knoll, the areas of the site that were temporarily disturbed will be revegetated and restored with existing and new native vegetation and a contiguous green perimeter will be provided along the Croton Dam frontage to be protected in perpetuity.*

**Comment 2-9:** Although the proposed multi-family building would be located within the area of the site that was developed with hospital buildings, that area is the high point of the property. The concept plan would require the removal of 2 to 15 feet of the ridge to accommodate the large multi-family building, which is a significant impact that includes the relocation of 2,500 cubic feet of the excavated material off-site. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 1)

**Response 2-9:** *The proposed building is being located in the previously developed portion of the site, generally in the location of the existing Main Building, North Building and East Building which are on the hilltop. The proposed building has been designed to work with the site topography as the levels of the building step down from south to north. The proposed building has a footprint of 113,600 square feet, of which 72,400 square feet will be in “cuts” ranging from 1 to 15 feet deep and 41,200 square feet is in “fills” ranging from 1 to 23 feet deep. Although the site will be graded and smoothed, the height and breadth of the hill will remain essentially intact. A section equal to the residential building’s footprint will be excavated to allow for a below grade parking structure, and the first floor of the residential building will be at the existing elevation of the hill. There will not be any vantage point from any surrounding property that would indicate a lowering of the ridge.*

**Comment 2-10:** The FEIS should provide more information regarding the operation of the "jitney" service to the Croton and Ossining Metro-North rail stations. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 1)

**Response 2-10:** *The Jitney will consist of a [10] passenger microvan that will operate during the morning and evening commutes, at hours determined by the demand of the residential tenants of the project.*

**Comment 2-11:** The last sentence of the third paragraph states, "As calculated from Figure 3.C-2, approximately 6.55 acres of the Project Site could be considered open space." The FEIS should explain how the 6.55 acres was calculated and which areas of the site were included in the calculation. It appears from the figure that large, open, vegetated areas of the existing site may not have been included in the calculation. The FEIS should provide the acreages for all the site categories shown in the figure and the total area of the site that is not covered by parking lots, roads or buildings. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 2)

**Response 2-11:** *The 6.55 Acres in Figure 3.C-2 (Green Hatch) was determined by the areas of the site that would not be affected (Undisturbed) by the existing structures and roads. The yellow hatched areas (7.33 Acres), while still pervious open vegetated areas, are impacted (Disturbed) by storm water runoff, human interaction, etc. Together, the total pervious coverage of the site is 13.88 acres consisting of lawn space and vegetated/wooded areas. Therefore, the total existing open space at the Project Site is calculated to be approximately 6.55 acres.*

**Comment 2-12:** Components of the Proposed Project in the DEIS indicates that impervious surface coverage on the site would increase by 57,624 square feet from 127,044 square feet (2.92 acres) currently to 184,668 square feet (4.24 acres) with the proposed project. The table also shows that the total open space (pervious surfaces) on the site after construction of the proposed project would be 540,584 square feet (12.41 acres). The FEIS should explain how this is possible given that elsewhere in the section the total open space currently on the site was calculated to be 6.55 acres and the project would increase the impervious surfaces on the site. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 2)

**Response 2-12:** *The correct number for pervious surfaces is 594,514 (not 540,584 which is the area of open, pervious space in the Town only). The breakdown of building area and pavement is:*

- *Pavement: 103,048 existing / 112,441 proposed*
- *Building: 23,996 existing / 72,227 proposed*
- *Total Impervious: 127,044 existing / 184,668 proposed*

*While the impervious surfaces have increased by 57,624 sf (1.3 acres; 7.4% of total site area), the expanse the developed area of the site has reduced significantly as the proposed singular building is centered in the middle of the property versus the ten existing hospital buildings which are spread out over roughly 50-60% of the site.*

**Comment 2-13:** I share the same concerns about the potential for the proposed project to negatively impact our entire community with increased traffic, added burden to our at-capacity schools, and our environmental resources, as stated by the public and as addressed in the Town's Comprehensive Plan. The project size should be significantly reduced. However, an adequately scaled down version of the proposal which includes a Conservation Easement with Maintenance Plan could be beneficial to our town. (D. Sharrett, Commentator #25, Appendix A, email dated April 9, 2018, page 2)

**Response 2-13:** *Comment noted. In response to comments, River Knoll has been reduced in size from 188 units to 174 units – (an 8% decrease). This reduction will result in a commensurate reduction in parking, site disturbance, traffic, school children, etc. In addition, A number of reduced scale alternatives were developed and their impacts compared to the proposed project. See Response to Comment 3J-5 regarding a discussion of impacts the Proposed Project would generate for OUFSD; Response to Comment 3H-1 regarding the Traffic Impact Study results which identified no significant adverse traffic impacts; and finally, see Response to Comment 3A-1 and 3D-2 as it relates to analyses conducted to address environmental resources.*

**Comment 2-14:** There is absolutely no reason or need for the building of a 188-unit, multi-family complex in the middle of a single-family home residential area. The reason we live here is because we desire to live some distance from more populous areas and room to breathe. There is hardly any open space remaining in Ossining that has not been exploited by developers; there is little land left in Ossining that has not been developed. As a life-long Ossining resident, the building of a multi-family housing complex in a single-family neighborhood is not a critical need, but rather a method for builders to exploit communities for their own profit. The developers are determined to create a demand where no demand exists. Why not build single-family homes in a single-family home zone? (M. Lattin, Commentator #21, Appendix A, letter dated May 14, 2018, pages 1-2)

**Response 2-14:** *See Response to Comment 2-1, 2-2, and 2-13.*

*As noted in the DEIS, Stony Lodge Hospital has been closed since 2012. As such, the Project Site is underutilized and displays the need for considerable deferred maintenance. This institutional hospital use predates most of the single-family homes in surrounding neighborhood and the Proposed Project is a residential use that will be highly complementary to the neighboring residences. This proposal describes a residential use that is intended to repurpose the property with a use in keeping with its neighbors, an attractive architectural design using Hudson Valley vernacular, and a concerted emphasis by the sponsors of River Knoll to situate the building at the center of the large 17.89-acre site and, thereby, maximize the green buffer to protect the view shed of surrounding neighbors.*

**Comment 2-15:** The increased number of residence (including their associates and other family members) from the 188 units would affect the park due to higher volume of usage, foot traffic, trash, equipment and facilities (bathrooms) upkeep and repairs. There is the potential of increased illegal activity in the park especially after dark which would impact the safety of the surrounding single-family residence. Will there be

an increase in the surveillance and patrol by the Ossining Police department of Vets Park especially at night? (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018,

**Response 2-15:** *See Response to Comments 2-1 and 2-2 for discussion of former use of Project Site by the Stony Lodge Hospital where usage of the publicly-accessible Veterans Memorial park would have been likely by the staff and residents of the facility. Additional requests for input from the Ossining Police were made in January 2019. Responses, when received, will be submitted under separate cover. Finally, it should be noted that in response to comments, the Applicant has reduced the number of units to 174. This 8%-percent reduction will have a commensurate reduction in traffic, school generation, population, and impact on community services.*

**Comment 2-16:** The Developer is imposing his personal taste on the style of the apartment in a community that is single-family dwellings of ranch, split level, colonial style. Where is the market study data to support the following:

- a. Why does it have to be Adirondack style that requires more costly materials (beam, overhangs, etc. per the Developers comments)?
- b. There is a demand for luxury apartments of this style, size and cost fit and is desired in Ossining
- c. Empty Nesters want this type of luxury apartment (most empty nester move south to lower cost areas)
- d. Empty Nesters want to stay in the current area and rent places at "market rates" (higher rent than a mortgage)

(W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 2-16:** *The developer has engaged an architect to design the proposed building in as attractive a style as possible. It is the opinion of the applicant that this will maximize the marketability and success of the project.*

*With regard to the market demand for this kind of project, as requested by the Town, a Market Assessment was completed for River Knoll by RCLCO Real Estate Advisors on June 26, 2018 (Appendix D) to assess the supply-demand conditions in the marketplace and the impact that the Proposed Project will have on the rental market. Key findings of the assessment include indications of healthy occupancy paired with a strong rental rate growth to reflect potential pent-up demand following the recession beginning in 2010, indicative of market recovery. According to the supply-demand analysis for the Primary Market Area (PMA), the demand for new market-rate multifamily apartment units will outpace the supply, given the current 5-year housing pipeline and demand projections. The PMA is defined as the area from which a majority of renters at River Knoll will emanate from; in this case, the northwestern portion of Westchester County, bounded by I-684 to the east, and just cutting north of Tarrytown to the south. Therefore, strong occupancy rates will be sustained by sufficient market demand.*

*Demographically, the Project Site is located in Westchester County, an affluent suburb of New York City with a number of high-growth employment areas in addition to those residents employed within NYC. According to the Market Assessment, 39.1% of households in Ossining and 54.6% of the PMA earn greater than \$100,000, as of 2017. Thus, the Market Assessment determined that audience groups of young professionals, mature professionals and empty nesters would be the likely target audiences for River Knoll. Furthermore, according to 2012-2016 American Community Survey 5-Year Estimates, in comparison with Westchester County, both the Town and Village of Ossining, NY have a greater share of household income allocated towards gross monthly rent; those residents in the Town of Ossining who allocate 35% or more of their household income towards the cost of rent is 53.6%, compared with 55.52% in the Village of Ossining, and 46.3% in Westchester County.<sup>1</sup> Market-rate rental units would range from \$2,100 for a one-bedroom to \$2,700 for a two-bedroom unit, which is less than 35% of those 39.1% of households in Ossining earning greater than \$100,000 annually.*

**Comment 2-17:** I am writing because I am greatly concerned about the Project at the Stony Lodge site, i.e. heavy traffic, safety environment, tax, etc. (E. Inoue, Commentator #29, Appendix A, email dated May 13, 2018, page 1)

**Response 2-17:** *See Response to Comment 3H-1 regarding the Traffic Impact Study conducted for the Project Site. See Response to Comment 3H-6 which addresses questions pertaining to safety issues related to traffic concerns. Furthermore, the Fiscal Impacts chapter of the DEIS, as well as Responses to Comments in this document for Chapter 3J: Fiscal Impacts, addresses comments related to both property and school tax assessments to determine any impacts as a result of the Proposed Project.*

**Comment 2-18:** Objections to the proposed 188 apartment entity on the vacant Stony Lodge site can/could be easily overcome by the builder's "fixes", to their benefit. They stand ready to devise facile answers to any/all objections. What they cannot so easily change is the texture of the area from middle class single family homes to a large dense apartment building and any accompanying out-buildings. (B. DeAngelis, Commentator #31, Appendix A, email dated May 15, 2018, page 1)

**Response 2-18:** *See Response to Comments 2-1 and 2-2.*

**Comment 2-19:** Prior to living at my present address I lived at The Woods condominium development. At minimum, every unit there had two car spaces and that was not enough. Residents constantly overflowed to Visitor parking, which then limited that parking, especially on the weekends. Knowing that, it is highly unlikely that 346 parking spaces will accommodate the needs of 188 units so I doubt that the traffic impacts estimated by Glenco are accurate. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

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<sup>1</sup> 2012-2016 American Community Survey 5-Year Estimates, US Census

**Response 2-19:** *First, it should be noted that the number of units has been reduced from 188 to 174, and the number of one-bedroom units has been increased from 87 to 92 units. Second, River Knoll will be attractive to a very different market demographic from The Woods. First, The Woods is a condominium/townhouse multi-family project where residents own their unit; River Knoll will be for renters. Second, The Woods are primarily 2-bedroom/3bathroom with units ranging in size from 1400 square feet to almost 1900 square feet. River Knoll will be one- and two-bedroom units, with units ranging in size from 850 to 1,500 square feet. Finally, the parking that will be provided at River Knoll meets the code requirements for the Town.*

*Nonetheless, it should be noted that with the increase in ride sharing, Uber and ride sharing apps and eventually autonomous vehicles, the trend for car ownership will continue to decline. Urban planners and transportation planners are forecasting a continued decrease in car ownership for these types of projects.*

**Comment 2-20:** Have the Town of Ossining Environmental Advisory Committee provided written comments on the proposed project. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

**Response 2-20:** *Comments from the Town of Ossining Environmental Advisory Committee are included in Appendix A of the FEIS with complete responses in Chapters 1 & 2.*

**Comment 2-21:** Have the Ossining Fire Department provide updated comments on the DEIS. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

**Response 2-21:** *Request for Information letters were submitted to municipal agencies within the Village and Town of Ossining most recently on June 19, 2018. As of a June 26, 2018 phone call with the Ossining Fire Department, it was noted that all requests to municipal agencies were forwarded to the Town Clerk's office for response. A letter acknowledging receipt was received from the Town Clerk on June 19, 2018. Additional requests for input from the Ossining Fire Department were made in January 2019. Responses, when received, will be submitted under separate cover.*

**Comment 2-22:** We are supportive of the proposed application since it would add multi-family housing and increase the Town's supply of affordable AFFH with 19 additional AFFH units. (N.V. Drummond, Commentator #1, Appendix A, letter dated March 30, 2018, page 1)

**Response 2-22:** *Comment noted.*

**Comment 2-23:** We are supportive of these two elements of the proposal which will serve to connect the new residents to nearby amenities without their needing to drive to them. (N.V. Drummond, Commentator #1, Appendix A, letter dated March 30, 2018, page 2)

**Response 2-23:** *Comment noted.*

**Comment 2-24:** The draft EIS does not contain a discussion concerning solid waste or recycling. The Town should require the applicant to verify that there will be sufficient space

to accommodate the storage needs for recyclables under the expanded County recycling program. (N.V. Drummond, Commentator #1, Appendix A, letter dated March 30, 2018, page 2)

**Response 2-24:**

*The former Stony Lodge Hospital generated approximately 178 tons per year during its operations based on industry-reported solid waste generation rates for hospitals. The Proposed Project will generate approximately 137 tons of solid waste per year. The decrease in waste generation with the Proposed Project is due mainly to the switch from an institutional use (hospital) to a multifamily residential use. The solid waste will be hauled by a private entity, as it was previously done for the hospital. It is anticipated that the private hauler would use the Westchester County Charles Point Resource Recovery Facility in Peekskill. That facility has a capacity of 710,000 tons per year and currently accepts approximately 585,000 tons per year. Since the facility is below capacity and waste generation will be reduced, no significant impacts on solid waste generation are anticipated.*

*Solid waste and recycling facilities will be incorporated on each floor for residents with convenient pick up in the garage for the project.*

**Comment 2-25:**

The Town of Ossining, including the Town Board, is a strong proponent of green technology and infrastructure. The Applicant should explore additional ways to incorporate green technology into the project, including but not limited to providing solar panels, electric car charging stations and other carbon offsets. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

We encourage the applicant to consider incorporating as much green building technology as possible into the proposed development. We also recommend that the applicant consider providing a bicycle storage room for tenants. (N.V. Drummond, Commentator #1, Appendix A, letter dated March 30, 2018, page 2)

**Response 2-25:**

*As discussed in Chapter 1, the applicant will be incorporating a broad range of green technologies into River Knoll. Many of these technologies will be required by contemporary building codes, and other green technologies, such as solar panels and the use of grey water for irrigation will be considered both good business decisions and enhanced marketing. During the design development stage of the Proposed Project, solar energy solutions may be incorporated to power common area elements such as corridors, lobbies, vestibules, leasing offices, etc. Green features will also include on-site bike storage, a bike repair bench, and similar biking accommodations.*

*Finally, River Knoll will be designed to meet or exceed the NYS Energy Conservation Code (ECC), which requires the use of energy efficient products in all new construction. The exterior walls and rooftop will include thermal insulation and an air barrier to reduce heat loss in the winter and heat gain in the summer. Exterior windows will be double-paned insulated glass with low emissivity glazing. The building envelope will be developed using the best practices for energy efficient buildings. Mechanical systems will incorporate economizer cycles for energy conservation. Motion activated light sensors will be utilized to reduce power consumption in less frequented public areas.*

*The building and residential units will utilize energy thoughtful technologies including:*

- *White membrane heat-reflective roof lowering surface temperatures by up to 50% at peak times;*
- *Energy Star energy-efficient appliances specified for each unit;*
- *Heating-ventilation-air conditioning controls to efficiently zone heating and cooling demands throughout the building and within each unit;*
- *Smart thermostats incorporated into each residential unit;*
- *LED lighting utilized throughout the building, thereby significantly lowering electric demand and minimizing replacement cost;*
- *Integrated lighting system (e.g. Siemens Gamma Lighting) allowing for lighting control in common areas that are not in use, most particularly in the garage areas; and*
- *Windows and doors that will be Energy Star-rated double-paned insulated glass.*

*As shown in a 2007 study prepared by the Energy Programs Consortium<sup>2</sup>, multi-family residences with five or more residences have an annual energy use of 85 million British Thermal Units (Btu) per household for electricity and 28.4 million Btu per household for natural gas. These values should be compared against annual energy consumption of single-family houses, which are 163 million Btu per household for electricity use and 82 million Btu per household for natural gas. Additionally, based on the energy conservation measures and designs that will be incorporated in the construction of River Knoll, the Proposed Project will conserve and manage energy demands in a state-of-the-art manner—significantly in excess of existing conditions—and will not pose any significant adverse impacts for energy demand/consumption.*

*As discussed in the DEIS, Con Edison will be able to adequately service the increase in demand by providing upgrades to existing services to the Project Site as needed. Extension of existing on-site service lines will need to be provided to service the proposed building in accordance with New York State Public Service Commission. The Proposed Project will underground all electrical and gas service lines on the Project Site, however utilities along Croton Dam Road will remain in the existing condition.*

**Comment 2-26:**

*As documented in the DEIS, its maps, and as confirmed on our site walk on April 21, 2016, over fifty percent of this property is comprised of moderate, very and extremely steep slopes. Even though a majority of these slopes exist outside the footprint of the proposed structure, this proposed project will potentially disturb nearly 60% of these existing steep slopes. A reduced foot print is recommended to minimize proposed project disturbance and maximize the protection and preservation of the existing natural resources. (M. Elkes, Commentator #5, Appendix A, letter dated June 25, 2018, page 2 and November 16, 2018, page 1)*

**Response 2-26:**

*Comment noted. See Response to Comment 2-2. It should be noted that eleven alternatives were presented in the DEIS and their comparative impacts provided on 5-13. Some of these alternatives had a reduced impact. In addition, eight additional alternatives are presented in Chapter 2 of this FEIS, with some having a reduced footprint.*

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<sup>2</sup> [aceee.org/files/pdf/resource/brown\\_and\\_wolfe\\_energy\\_efficiency\\_in\\_multifamily\\_housing\\_2007.pdf](http://aceee.org/files/pdf/resource/brown_and_wolfe_energy_efficiency_in_multifamily_housing_2007.pdf). last accessed 12.01.17

## River Knoll FEIS

**Comment 2-27:** We are building something that's a new project; it is not using energy renewal, no solar panels, no wind. Oil is not the future. (J. Bedoya, Commentator #20, Appendix A, transcript of Town Board Meeting, page 50)

**Response 2-27:** *See Response to Comment 2-25.*

**Comment 2-28:** I think you're hearing from the community now that this exception to the single-family community should not be granted because the community doesn't want it. (A. Vallone, Commentator #22, Appendix A, transcript of Town Board Meeting, pages 56-57)

**Response 2-28:** *Comment noted. See Response to Comment 2-2.*

**Comment 2-29:** They are talking about using an Adirondack vernacular for this development. I would like to say it is inappropriate. (C. Curvan, Commentator #23, Appendix A, transcript of Town Board Meeting, pages 59-60)

**Response 2-29:** *See Response to Comment 2-16.*

## Chapter 3A: Wetlands

**Comment 3A-1:** Wetland remediation should also be required. (D. Sharrett, Commentator #25, Appendix A, email dated April 9, 2018, page 2)

**Response 3A-1:** *As noted in the DEIS, site inspections were conducted by qualified wetland biologists on September 14, 2015 and April 21, 2017 to confirm either the presence or absence of on-site wetlands. The inspections confirmed the presence of one small wetland in the northeast corner of the Project Site ("Wetland A"), in the depression of the landscape, though no vernal pool habitat was identified on-site. In accordance with federal and Town of Ossining wetland regulations, the small herbaceous wetland was delineated on-site on September 14, 2015; it is 0.277 acres in size and serves as a means of stormwater drainage for the Property Site and adjacent properties. No disturbance would occur as part of the Proposed Project within a 100-foot buffer around the wetland, in accordance with the Ossining Town Code, Chapter 105: Freshwater Wetlands, Watercourses, and Water Body Protection (§105-3B). As such, the area is expected to remain as maintained lawn with some woody patches. It is the Applicant's conclusion that construction and operation of the Proposed Project would not adversely impact wetlands or the buffer area within the Project Site. Therefore, no wetland mitigation is required as part of the Proposed Project. A Stormwater Pollution Prevention Plan (SWPPP) with Erosion & Sediment Control (ESC) measures will be utilized to prevent stormwater runoff and other non-point source pollution from impacting wetlands on the Project Site or within the vicinity. The SWPPP and ESC ensure a zero influx of road and lawn chemical runoff into the wetland or buffer area.*

**Chapter 3B: Soils, Topography (Steep Slopes), and Geology**

**Comment 3B-1:** More information regarding the potential for blasting, ripping or chipping to remove rock and the impacts of these activities during construction of the Proposed Project should be provided in the FEIS. In addition, the potential for on-site rock processing should be provided and discussed. The impacts and mitigation proposed for all these activities should be provided. (D. Stolman, M. Galante, M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 2)

**Response 3B-1:**

*DEIS Chapter 3.B describes on-site soils, slopes, and topography to discuss the potential impact of the Proposed Project. Table 3.B-3 Earthwork Summary estimates the quantity of earthwork that would account for excavated material that will remain on-site as part of re-grading the Project Site for the Proposed Project. Rock material excavated at the Project Site would be processed into item No. 4 and used on-site as compacted fill underneath the building foundations, roadways, and other fill areas. There would be approximately 2,500 cubic yards of export, or approximately 125 trucks. Given the approximate four-month excavation timeframe, this would equate to approximately one or two truckloads per day. To prepare the Project Site for development, all surface materials to include topsoil, surface vegetation, concrete, asphalt, etc. would be removed from the planned building areas. The existing fill at the Project Site is not acceptable bearing material for the new building foundations and floor slab, and as such it would be stripped, excavated, and replaced with new compacted fill. During the stripping operation, the topsoil may be stockpiled for use in the landscape areas or removed from the Project Site.*

*According to the findings of the geotechnical investigation, to develop the Project Site, bedrock removal would need to be excavated. To excavate the rock, the use of hydraulic hammer and blasting would be required to achieve the proposed grades in certain areas. Blasting operations would be overseen and monitored by a seismologist using a seismograph to measure the maximum peak particle velocity to ensure that predetermined limits are not exceeded (Geotechnical Report, DEIS Appendix C). Prior to construction, a Blasting Management Plan would be prepared and provided to the Town by the blasting contractor for the Proposed Project, in accordance with New York State Regulations and the Explosive Materials Code, NFPA No. 495, National Fire Prevention Association. Additionally, all blasting should adhere to the provisions of 29 CFR Ch. XVII Section 1910.109 for explosives and blasting agents and to all local requirements. Prior to any blasting work, a licensed professional engineer would be retained to perform a detailed pre-blast survey and a notice would be sent to all residential and commercial property owners within a 300-foot radius of the blast area at least 48 hours before blasting operations. Where the Geotechnical Investigation recommends removing rock, a hydraulic hammer would be utilized to chip and break the rock apart without the use of blasting.*

*Excavated rock from the Project Site would be used as fill material should the material conform to the required gradation. It is not to be used as backfill directly against concrete walls or utilities, or where it would interfere with the installation of foundations or utilities. It is expected that most of the rock excavated at the Project Site would be too large for use as compacted fill in structural areas and would therefore be processed through a crusher for suitable fill material.*

*The impacts of rock ripping, chipping, and blasting are ground vibrations in the immediate vicinity of the ripping and chipping machinery and potential fly-off rock fragments in the immediate vicinity of the ripping and chipping operation. Although there is not much to be done in terms of mitigation of ground vibrations, mitigation measures can be conducted for fly-off rock fragments to consist of personal protective equipment for machine operators.*

**Comment 3B-2:** The potential location of new stormwater facilities on the site within the Village or the Town of Ossining should be reconciled and discussed. Further, any approvals needed from the Village should be identified in the FEIS. (D. Stolman, M. Galante, M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 2)

**Response 3B-2:** *Stormwater facilities will be installed on land within the Town only. The only disturbance to land within the Village may be the removal of a non-operational pump house located adjacent to Croton Dam Road, and a small amount of grading may be required to remove the pump house. If this non-operational pump house is removed, a permit for the grading and re-landscaping of the area around the pump house will be requested from the Village.*

*The following table was included in the DEIS and amended herein to provide an inclusive list of the permits and authorizations potentially required by the Town and Village of Ossining. Additional permits and/or agencies may be identified at a later date.*

Approval Required	Government Facility
Comprehensive Plan, Zoning Map and Text Amendments	Town Board
Sewer District Extension	Town Board
Conditional Use and Subdivision Approval	Town Planning Board
Wetland Permit	Town Planning Board
Steep Slope Permit	Town Planning Board
Tree Removal Permit	Town Planning Board
Site Plan Approval	Town Planning Board
New York State Department of Environmental Conservation (NYSDEC) Stormwater Permit	NYSDEC
Water Supply Approval and Demolition Permit	Village of Ossining
Highway Work Permit	NYS Department of Transportation
Referral Required	
§239-m Referral	Westchester County Department of Planning
Town Board	Town of Ossining Departments and Boards
Planning Board	Town of Ossining Departments and Boards
Highway Department	Town of Ossining Departments and Boards
Environmental Advisory Board	Town of Ossining Departments and Boards

**Comment 3B-3:** The EAC disputes the DEIS calculation of the level of disturbance to steep slopes on this project site. The impact of this proposed project to the existing steep slopes is nearly double the actual amount cited in the report.

Reference page 3.B-3 of the DEIS, in the section titled “Steep Slopes”, the report states: “Steep slope disturbance accounts for approximately 5.3 acres of steep slope (>15 percent slope) or 30% of the site.”

The total acreage of steep slope, is 9.5 acres (not 17.9 acres); therefore, the percent of steep slope that will be disturbed is nearly 60% (5.3/9.5)(100), not 30% of the site. These cited inaccuracies potentially misrepresent the extent of steep slope disturbance and should be corrected in the report. The EAC highly recommends minimal disturbance to the steep slopes on this site and a reduction of the scope of the project. A more detailed explanation should also be provided in the DEIS to clarify how these slopes are intended to be altered and destroyed. As is documented in our Town Code, the removal of steep slopes aggravates erosion, causes irreversible damage to the landscape, disturbs natural habitats, and intensifies runoff. Furthermore, the EAC disagrees with the statement in the DEIS, “Construction on slopes will be minimized to the extent practicable, preserving the largest stretch of steep slope located just west of the proposed building.” Clarification from the applicant should be requested. (M. Elkes, Commentator #5, Appendix A, letter dated June 25, 2018, page 1-2, and November 16, 2018, page 1-2)

**Response 3B-3:** *In response to this comment from the EAF, the applicant has provided revised tables in Chapters 1 and 2. The tables summarize slope disturbance as calculated on the entire site, and steep slope disturbance to slopes 15% and greater – defined within the Town’s Code as ‘steep slopes.’*

*See Response to Comment 3B-1 for discussion regarding slope disturbance on-site a result of construction and related mitigation activities following a required steep slope permit from the Town of Ossining. Construction on slopes will be minimized to the extent practicable, preserving the largest stretch of steep slope located just west of the proposed building. After construction, all constructed slopes will conform to Town Engineering requirements to ensure safety and stability. The alignment of roadways within the Project Site will follow natural topography.*

**Comment 3B-4:** Reinststate the topographical steep slope maps. (M. Elkes, Commentator #5, Appendix A, letter dated and November 16, 2018, page 2)

**Response 3B-4:** *The soils and topographical map are now included in Chapter 1, “Description of Revised Project,” and Chapter 2, “Probable Impacts of Revised Project.”*

**Comment 3B-5:** Recognize the significant impact of the steep slope disturbance. (M. Elkes, Commentator #5, Appendix A, letter dated and November 16, 2018, page 2)

**Response 3B-5:** *Comment noted. The steep slopes disturbance has been evaluated and it is presented in Chapters 1 and 2 as steep slope disturbance to the entire site, and, as requested by the EAC, steep slope disturbance to slopes in excess of 15 percent.*

**Chapter 3C: Stormwater Management and Subsurface Water**

**Comment 3C-1:** There will be 300-plus parking spots put up there. I live on the bottom of a hill and every time there is a heavy rain that water floods down Croton Dam Road, makes a turn and comes down my driveway and rips up the patio. I think when you put up

300 parking spaces that the blacktop will not suck that water up; it has to go someplace and it will go right down Croton Dam Road. (R. Trapasso, Commentator #12, Appendix A, transcript of Town Board Meeting, pages 24-25)

**Response 3C-1:** *Currently, there is neither a formal collection system nor organized treatment system to treat stormwater runoff from the former Stony Lodge Hospital site of any kind.*

*Stormwater runs off untreated and discharges untreated directly off-site towards the surrounding neighborhoods and streets, particularly along the southern edge of the property. This condition will be alleviated as River Knoll will be designed with a Stormwater Management Plan that will collect and convey runoff into a new and engineered on-site stormwater system. The proposed drainage system will include conventional and green infrastructure stormwater practices, such as infiltration basins with forebays and stormwater planters. The impact of the proposed system will provide a reduction in runoff, provide water quality treatment, and attenuate peak rates of runoff for the 10-and 100- year storms as required by NYSDC SPDES General Permit No. GP-0-15-002.*

### **Chapter 3D: Vegetation and Wildlife**

**Comment 3D-1:** The Town of Ossining Environmental Advisory Committee (EAC) should be solicited to comment on the DEIS, and the FEIS should contain the EAC's comments. (D. Stolman, M. Galante, M. Timpone-Mohamed, Commentator #, Appendix B, letter dated May 16, 2018, page 2)

**Response 3D-1:** *The comment memos from the EAC, one dated November 16, 2018 and the other June 25, 2018 are included and responded to in Chapters 1 & 2.*

**Comment 3D-2:** The FEIS should provide a discussion of the impacts related to the removal of mature trees and plant materials from natural and landscaped areas of the site and the proposed mitigation for the impacts. New wooded buffers and plantings should be comprised of locally native non-invasive trees, shrubs and ground covers to replace habitat for foraging animals and to improve the diversity of native plants on the site. (D. Stolman, M. Galante, M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, pages 2-3)

**Response 3D-2:** *An arborist will be engaged during the preparation of construction documents to identify individual trees to be protected from construction activities, and the specific technique for providing protective measures, i.e., fencing etc. In addition, the applicant recognizes that protecting as many trees as possible enhances the appearance of the project – and increases market appeal. To that end, the applicant will designate an area on the project site where mature trees can be balled for replanting. In addition, the proposed plants and meadows will be mostly native species with low watering demands, as opposed to introducing non-native, invasive species. Those areas designated for stormwater management will be planted with a combination of wet site tolerant seed mix (i.e. Sedges, Carex, Bulrush, New England Aster) live herbaceous plants (i.e. plus/one-gallon containers of Joe Pye Weed, Switchgrass, Blue Flag), and native shrubs and trees (i.e. Viburnum, Shadblow Serviceberry, Grey Dogwood, River Birch). The upland*

*meadow along Croton Dam Road will be planted with an upland wildflower mix (i.e. Creeping Fescue, Goldenrod, False Indigo, New England Aster, Black Eyed Susan, Little Bluestem, Milkweed). The existing perimeter green buffer will retain healthy trees within undisturbed areas for preservation; selective removals and pruning will occur to help promote the health and growth of trees to remain, and enhancement of the buffer will occur with the addition of woodland fringe plantings consisting of small trees and shrubs (i.e. Flowering Dogwood, Redbud, Viburnum, Witch Hazel). New green buffer areas will be a mix of shade trees, evergreens, flowering trees and shrubs (i.e. Red Maple, Red Oak, Bicolor Oak, Sweetgum, Spruce, Fir, Great Western Cedar, Viburnum, Inkberry).*

**Comment 3D-3:** The Tree Preservation Plan document in the file is barely legible and should be made available larger. The information on this document differs from the information on Table 3D/9-1. As example, but not limited to: "dogwood" is listed only on the "Tree Abbreviation" chart on the TPP, and "Hackberry, *Celtis occidentalis*" is only listed on Table 3D/9-1. Trees are also too generally identified to afford a complete assessment to the environmental impacts of the proposed project. As ex: "maple" could describe the invasive Norway Maple, non-native Japanese Maple, or native Sugar or Red Maples. "Deciduous" is also not a reasonable identification. (D. Sharrett, Commentator #25, Appendix A, email dated April 9, 2018, page 1)

**Response 3D-3:** *Comment noted. Full sized and more legible landscaping drawings are available for viewing in the Planning Department. The corrections noted in the comment will be made to the landscaping documents.*

**Comment 3D-4:** The following should be required from the applicant with ample time for the public and boards to review prior to designating the DEIS as Final: 1) A reasonably legible Tree Preservation Plan; 2) An accurate and complete Tree Preservation Plan, which in addition to DBH should include accurate botanical Latin names in addition to the common names, as well as tree health and condition; 3) An additional document that lists separately the trees proposed to remain and those proposed to be removed; 4) A tree replacement plan to compensate for at least 50% of the tree biomass loss as required in the Town of Ossining Tree Protection Code (§ 183-12.G.) A complete "I-Tree" assessment should be required for any proposal with tree loss of this magnitude. Note: 231 of the 702 existing trees are proposed to be removed; 5) Verification of submitted materials by the Town's Tree Warden (D. Sharrett, Commentator #25, Appendix A, email dated April 9, 2018, page 1)

With respect to the trees existing and proposed to be removed, the current plan is illegible. We respectfully request a legible Tree Preservation Plan utilizing a readable font size, with a separate illustration site plan. (M. Elkes, Commentator #5, Appendix A, letter dated June 25, 2018, page 2)

**Response 3D-4:** *As noted above, full sized and more legible copies of the landscaping plan are available in the Planning Department, and on request from the applicant. The plans include a complete tree survey with species, size, and health of tree. Included on the plans are notes where the trees are to be removed or protected.*

**Comment 3D-5:** A permanent Conservation Easement obtained through the Westchester Land Trust with a supporting permanent Maintenance Agreement must be required to guarantee that adjacent residential properties will have permanent buffers and screening, and to protect against any consequential and/or future deleterious environmental impacts from the proposed project to the Town's eco-services provided by trees and the wetland such as but not limited to, shade, storm water retention, erosion prevention, oxygen production and carbon sequestration. At least 8 of the 16.2 acres should be placed into a Conservation Easement, to include the entire steep slope and ravine along Croton Dam Road, the entire wetland existing in both the Town and Village of Ossining, and at a least 50' wide area along the length of the remaining perimeter of the subject property.

The applicant's desired zoning variance should not be granted unless a Conservation Easement and Maintenance Agreement are required. Should the applicant back out of the project after the zoning variance has been granted, the public will have little recourse against future proposals, using the Parth Knolls project as an example. (D. Sharrett, Commentator #25, Appendix A, email dated April 9, 2018, pages 1-2)

**Response 3D-5:** *The applicant will coordinate with the Village and Town of Ossining to put the perimeter buffer within a Conservation Easement with an appropriate third-party entity to ensure protection from future disturbance in perpetuity. It should also be noted that the proposed project will be subject to a Conditional Use Permit, if the Town Board adopts the proposed zoning as proposed. As presently designed, River Knoll will not require any variance from the proposed zoning.*

*See Response to Comment 3G-1 with discussion pertaining to the creation and preservation of a permanently landscaped buffer created as a result Proposed Project and consistent with those principles from the updated 2015 Town of Ossining Comprehensive Plan.*

**Comment 3D-6:** The illustrated buffer/screening areas for adjacent residences in the applicant's proposal merely illustrate, at best, what currently exists but in no way reflects the reality of future conditions. The existing tree inventory will be quickly depleted by tree loss due to age, disease and insect pressures, warming temperature trends, and increasingly unpredictable and more frequent extreme weather events. The buffer/screening areas must be permanently protected and maintained, to include an ongoing diverse tree planting plan, invasive plant species removal, and deer fencing. Without these requirements the current and future adjacent residential property owners will not be guaranteed that an effective buffer/screening will always exist. (D. Sharrett, Commentator #25, Appendix A, email dated April 9, 2018, page 2)

**Response 3D-6:** *See Response to Comment 3D-2 and 3G-1.*

**Comment 3D-7:** Pursuant to §183-10 Permit Application Process, A.(7), the tree removal plan should conform to our Town Code to clearly identify the existing tree locations with removal designations where applicable. Referencing the Code, the location of all

existing and proposed, disturbed trees shall be identified (to an accuracy of one foot) and indicating their species, their diameter (DBH) and their health status. The EAC requests that botanical Latin be used to identify trees in addition to the common names, and that the Town's Tree Warden verify the Tree Removal Plan, amended as described. (M. Elkes, Commentator #5, Appendix A, letter dated June 25, 2018, page 2)

**Response 3D-7:** See Response to Comment 3D-4.

**Chapter 3E: Historic and Archaeological Resource**

NO COMMENTS RECEIVED.

**Chapter 3F: Infrastructure**

**Comment 3F-1:** Sewage is a major league situation. I understand from my previous attendance that surveys were done and it was concurred that everything is fine and the sewage is going to be all taken care of. It is going to be able to accept the volume of the 100 some-odd units. I haven't seen anything on the internet, anything else or the studies. I would like to see the reports; who did the studies and what were their credentials. (C. Callahan, Commentator #13, Appendix A, transcript of Town Board Meeting, page 26)

**Response 3F-1:** *As required by the Town in the scoping outline for the project, an analysis of the capacity and condition of the sewer system was required, and it was included in the DEIS, Chapter 3.F-3. This analysis entailed confirming that there is capacity at the Ossining Wastewater Treatment Plant, and that the anticipated demand for wastewater from the 174 units at River Knoll can be accommodated. The Town's Consulting Engineer has advised that the existing wastewater treatment plant has adequate capacity to serve the anticipated 30,800 gallons per day (gpd) from the Proposed Project.*

*Additionally, according to Town of Ossining Meeting Minutes from June 14, 2016, the Town Board authorized the establishment of Capital Project 2198, titled Sanitary Sewer Improvements-Croton Dam and Kitchawan Road, for sewer main relocation and new manholes.*

**Comment 3F-2:** Have Town Engineer and Town Consulting Engineer review the Applicant's proposed plans related to water supply and related documentation to confirm that there is sufficient capacity for the proposed project and there are not anticipated to be any significant adverse impacts from the proposed project. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

**Response 3F-2:** *According to Ciarcia Engineering, P.C., acting as the consulting engineer to the Town Planning Board, their review was focused on utilities and stormwater management. The Proposed Project was also reviewed by the Village of Ossining Water Department, and they confirmed that the Village has adequate capacity to serve the project. It should be noted that the DEIS cites the amount of water*

*supplied by the Village Water Department as 1.3 billion gallons per day. The correct flow is approximately 3.8 million gallons per day.*

**Comment 3F-3:** Have Town Engineer and Town Consulting Engineer review the Applicant's proposed plans related to sewer discharge and related documentation to confirm the Applicant's position that there are not anticipated to be any significant adverse impacts from the proposed project. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

**Response 3F-3:** *According to Ciarcia Engineering, P.C., sewage flow projections are appropriate for the proposed use. The Town Highway Department manages the sewage collection system. The applicant has been advised that there were no downstream capacity issues.*

**Comment 3F-4:** How can the Developer ensure that the sewer system will support the number of residence usage of an aged system and prevent the re-occurrence of the downhill health hazard backup to the manhole in front of my home? (W.M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 2)

**Response 3F-4:** *See Response to Comment 3F-1.*

**Comment 3F-5:** At several meetings I have attended people have expressed concerns about the various municipal services, e.g., water, sewage, etc. being stressed, yet I do not recall these concerns being addressed. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3F-5:** First, Chapter 3F – Infrastructure and Utilities in the DEIS provides a description of existing municipal services, and improvements proposed as part of this project. In addition, see *Response to Comment 3F-1 and Response to Comment 3F-2 regarding the available capacity in the existing sewer system and adequate water capacity for utilities and stormwater management, respectively, as it pertains to the demand generated by River Knoll.*

**Comment 3F-6:** Provide further discussion and clarification of the conservation easement. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

**Response 3F-6:** *As stated above, the applicant will coordinate with the Town and the Village of Ossining to place the green open space around the perimeter of the site into a Conservation Easement with an appropriate third-party entity.*

**Comment 3F-7:** The draft EIS states that the proposed apartment building would generate a wastewater flow of 38,000 gallons per day (gpd), which is an increase of 16,615 gpd over the former wastewater flow when the hospital was operating. This increased flow will add to the volume of the sewage flow requiring treatment at the Ossining Water Resource Recovery Facility operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, the final EIS should specifically include the identification of mitigation measures that will offset the projected increase in flows through reductions in inflow/infiltration (I&I) at a ratio of three for one for market rate units and ratio of one for one for affordable

AFFH units. In particular, the final environmental impact statement should provide specific details on how implementation of these improvements is to be accomplished. For example, will the applicant be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I? How will I&I projects be identified? Who will conduct the work and in what timeframe?

The County Planning Board further recommends that the Town implement a program that requires inspection of sewer laterals from private structures for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. (N.V. Drummond, Commentator #1, Appendix A, letter dated March 30, 2018, page 2)

**Response 3F-7:** *The applicant will continue to coordinate with the Town and the Village to facilitate whatever sewer improvements are needed.*

**Chapter 3G: Land Use, Comprehensive Plan, Zoning and Community Character**

**Comment 3G-1:** No impact on the community and the character of the neighborhood? Look all around at the zoning map; single-family homes. It is like – River Knolls, a nice concept but you're in it for the money and not for the benefit of the community. (J. Reilly, Commentator #6, Appendix A, transcript of Town Board Meeting, page 12)

**Response 3G-1:** *As previously noted, the 'character' of the former Stony Lodge Hospital has historically been in contrast to the single-family neighborhoods that surround the site. River Knoll will change the use on the Project Site from an institutional use that provided acute inpatient psychiatric care for up to 61 adolescent patients and 250 support staff to a more conventional residential use. Similar to the Stony Lodge Hospital, River Knoll will provide a single building in the same general area as the existing hospital building. In contrast to the former Stony Lodge Hospital, the ten (10) accessory buildings will be removed and replaced with an expanded landscaped buffer. Furthermore, River Knoll is consistent with those principles from the updated 2015 Town of Ossining Comprehensive Plan which includes the following: to preserve and conserve existing open space; preserve the quality, character, and stability of neighborhoods within the Town; cooperate in efforts to make a wide range of housing opportunities available to community residents; and promote development and redevelopment that conforms with existing community character to ultimately serve the general welfare of the community.*

**Comment 3G-2:** The FEIS should address the amendment to the Town's Comprehensive Plan which would be needed to specifically recommend the residential density of the proposed MF-2 zoning for the subject property. (D. Stolman, M. Galante, M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 3)

**Response 3G-2:** *The applicant acknowledges that an amendment will need to be adopted by the Town Board to clarify and affirm that the proposed use, proposed zoning, and the proposed density for the site are consistent with Comprehensive Plan policies This amendment would expand and clarify that the amendment concerning the site that*

*was included in the Comprehensive Plan Update, adopted in 2015. The amendment will need to be cognizant of other candidate properties within the Town that could be eligible for a changing in use.*

**Comment 3G-3:** The DEIS discussion relating to how the project complies with the stated policy to preserve natural resources and in particular ridge lines implies that cutting into a ridge line to locate the proposed building, which would cut into and expose bedrock, is preservation of a natural resource. Cutting into the ridge line to create a flat area for a very large building does not preserve the ridge line or the underlying bedrock and the FEIS should address this. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 3)

**Response 3G-3:** *See Response to Comments 2-8 and 3B-1. The hill upon which the existing hospital building sits is essentially, flat given that there are Hospital buildings and parking areas existing on it. While the height of the hill will not be substantially altered, the breadth of the top of the hill will be expanded to accommodate the proposed building and related infrastructure. Once constructed, 76% of the site will be revegetated and become landscaped open space*

**Comment 3G-4:** The FEIS should provide a visual assessment of the property and the surrounding neighborhood that includes photos of existing conditions and digital renderings of the same viewpoints with the proposed project constructed for comparison. The renderings in the DEIS do not accurately depict the viewpoints, vegetation and views in the post construction renderings. New photo renderings of all after-construction views (including night views) that have changed viewpoints, extraneous vegetation, and altered existing buildings should be provided in the FEIS. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 3)

**Response 3G-4:** *In addition to the photograph simulations provided in the DEIS, a revised photo-simulation of the Proposed Project was prepared for the FEIS from the vantage point of Grandview Avenue, a surrounding roadway to the north of the Project Site. It is the opinion of the Applicant that the revised rendering of the proposed River Knoll project from Grandview Avenue accurately depicts the views of the Proposed Project from surrounding roadways. The development would not be visible either during the summer months, when dense foliage coverage obstructs any potential views, nor during the winter months when foliage is dormant.*

**Comment 3G-5:** In DEIS Chapter 3.G, a statement reads, "In consultation with the Town, it was determined that the most appropriate zoning mechanism to enable the Proposed Project to be developed consistent with the Town's overall planning goals of environmental protection of a large underutilized site will be a new zoning district, the Multifamily Residence 2 (MF-2) District." We question the veracity of this statement. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 3)

**Response 3G-5:** *The decision as to the most appropriate zoning mechanism was made by the applicant after it was determined, in the opinion of the applicant, that there was no existing zoning district that would permit the kind of development envisioned for the site. This decision by the applicant was made subsequent to discussions with representatives from the town. Nonetheless, the purpose and intent, permitted uses and the proposed lot and bulk regulation were included in a petition submitted by the applicant.*

**Comment 3G-6:** Table 3.G-1 provides the bulk regulations of the proposed zoning. A complete bulk table for the conceptual site plan should be provided for comparison with the requirements of the proposed zoning district. The FEIS should address the future disposition of the residential density permitted by the proposed MF2 District which exceeds the 188 units in the proposed conceptual plan. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 4)

**Response 3G-6:** *A complete bulk regulations table is included below for comparison of the Proposed Project with the requirement of the existing and proposed zoning districts.*

	R-15 Requirements	Proposed MF-2 Zoning	Proposed Project in Town	Proposed Project in Village
<b>Minimum Requirements</b>				
Lot areas (sf)	15,000	10 acres	16.65 acres (725,274 sf)	1.24 acres (54,014 sf)
Lot width (feet)	90	50 (row or attached dwelling); 250 (multiple)	979.5*	0
Lot depth	120	250	665.5	0
Front Yard (feet)	30	200	241	0
1 side yard (feet)	14	100	140.5	0
Both side yards (feet)	30	200	454.6	0
Rear yard (feet)	32	100	248.8	0
Livable floor area per dwelling unit (square feet)	850	850 (row or attached) 700 (multiple, for 1 or more bedrooms)	850 (one-bedroom) 1,150 (two-bedroom)	-
<b>Maximum Permitted</b>				
Stories	2 ½	3	3	0
Height (feet)	35	50	40	0
Building coverage (percent)	25	12	9.96	0

\*Measured at front of building

**Comment 3G-7:** The Applicant should provide an inventory of all of the other undeveloped or underdeveloped sites in the Town that would meet the criteria for application of the proposed zoning. The FEIS should address the eligibility of other properties to be rezoned to the proposed Multi-Family 2 (MF2) zoning, and the cumulative impact of such growth inducement. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 4)

**Response 3G-7:**

*As part of the Comprehensive Plan Update, adopted in 2015, large parcels of land were identified as either open space, underdeveloped, or underutilized. The parcels noted on the open space map include several religious and non-profit owned sites. In fact, the DEIS included an analysis of a hypothetical parcel that could apply for a rezoning. Nonetheless, it is unknown to the applicant, and outside the scope of this SEQRA process to identify which site(s) would be inclined to take advantage of the proposed new zoning text. However, most (if not all) parcels of land identified in the Comprehensive Plan lack adequate utility infrastructure to accommodate a type of development similar to the Proposed Project. On the issue of other potential impacted properties in the Town, which could seek to be rezoned, the Westchester GIS tax map for the Town shows very few 10 plus acre vacant properties that could potentially be the subject of this analysis. There may be a small number of other 10-acre properties that are currently in use, but it would be speculative to guess which of those would discontinue their current use and seek to be rezoned. As to other vacant properties, their locations, access issues and water and sewer limitations would make them unlikely candidates for large scale residential development. The Town Board would have complete discretion in any future rezoning petition to consider the unique attributes of each proposed location.*

**Comment 3G-8:**

The FEIS should provide a discussion of how the requirements of the new zoning would mitigate the impacts created by the change of use. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 4)

**Response 3G-8:**

*As there is no zoning district in the Town to accommodate a project such as River Knoll, the proposed zoning was designed to be a new multi-family zoning district that will permit the kind of envisioned on this unique site. The proposed MF-2 zoning district will permit multifamily housing as a conditional use subject to approval by the Planning Board. Goals and conditions of the district will include:*

- *Enabling more undeveloped permanent open space as the proposed, new residential community will be clustered to the center of the Premises;*
- *Preserving more mature stands of trees;*
- *Maintaining the scenic meadow along the entire frontage of Croton Dam Road as well as the expansive meadow on the easterly side of the Premises;*
- *Allowing for the addition of sizeable new green buffer areas protecting adjacent homeowners along the northerly and southerly boundaries of the Premises;*
- *Minimizing internal roadways and extensive infrastructure that will require more impervious surfaces and increased excavation, disrupting the terrain in a manner that also will necessitate tree removal; and*
- *Producing a fiscally beneficial change to the Premises improving revenue generation for the Town, Village, and School District.*

**Comment 3G-9:**

It doesn't make sense to say that the proposal is compatible with the surrounding community and then ask for a zoning change. (G. and B. Seitz, Commentator #26, Appendix A, letter dated April 16, 2018, page 2)

**Response 3G-9:** *See Response to Comment 3G-1 and 3G-5.*

**Comment 3G-10:** I have lived on Second Ave. for nearly 50 years, raised three children and consider this neighborhood a great place to raise kids. Ossining would be better served if the developers would build one-family homes and maintain the present zoning. (R. Damiano, Commentator #28, Appendix A, letter dated May 8, 2018, page 1)

**Response 3G-10:** *See Response to Comments 2- and 3G-1 regarding conformance of River Knoll with existing community character, and Response to Comment 5-1 regarding discussion of 11 development alternatives analyzed in the DEIS.*

**Comment 3G-11:** The picture views provided by the Developer are misleading. The pictures were taken at angles (chapter 3G) to imply that the apartment structure will not be noticeably visible from the rest of the community. As I am walking Croton Dam Road. Pershing and Narragansett the current buildings are very visible. The same would be true of the apartment complex with four floors. Where are the realistic pictures for the site? (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 3G-11:** *The singular building of the Proposed Project has been purposely designed to be, minimally, seven (7) feet lower than the existing Main Hospital Building. While there will likely be various oblique views of River Knoll from Croton Dam Road, or Narragansett, First, or Second Avenues, there is not likely to be any view of the Proposed Project from Pershing and Grandview. In the areas that River Knoll will be viewable, the applicant believes the design will be appealing and a large improvement over the current aged Hospital structures that display considerable deferred maintenance.*

**Comment 3G-12:** The area surrounding the proposed development is a "community". Residences work hard to maintain their property, create a haven of peace, serenity, privacy and safety for their families. This property is in a single-family zone and should not be reduced to a commercial invasion by someone who does not live in the community. The community should not be victimized by rezoning the property for this massive undertaking in our backyards. (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 3G-12:** *See Response to Comments 2-2 and 3G-1.*

**Comment 3G-13:** Please don't change the zoning, keep our community quiet and peaceful to protect our lives and children. (E. Inoue, Commentator #29, Appendix A, email dated May 13, 2018, page 1)

**Response 3G-13:** *See Response to Comments 2-2 and 3G-1.*

**Comment 3G-14:** Since the entire surrounding area is zoned for single family homes, allowing an apartment complex of any type, most especially one with 188 units, would destroy

the suburban character and aesthetic of the entire surrounding area. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3G-14:** *See Response to Comments 2-2 and 3G-1.*

**Comment 3G-15:** Placing an apartment building in the midst of single family homes will adversely affect the property values of those homes, just as it has done in other areas. People invest a great deal of money in their homes and would not invest the same amount if the neighborhood view is marred by an apartment building complex. Who will benefit from this zoning change other than the developer? (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3G-15:** As previously noted, the single-family neighborhood that surrounds the property where River Knoll would be constructed has historically had within its midst an institutional use. As a residential use, the proposed project would become more consistent with the surrounding residential uses. *As per the DEIS, the proposed MF-2 zoning district will provide the Town with an alternate zoning tool that could provide for a greater concentration of development to preserve the maximum amount of open space, protect natural resources, and enable the Town to expand the diversity of housing available to its residents. Arguably, the Town lacks a diversity of housing as almost all housing is either small or medium-lot single-family homes, townhouses or senior housing configurations. The new zone would also address the lack of affordable housing opportunities within the Town. During the recent litigation with the federal government against the County of Westchester and the communities within Westchester, HUD alleged that zoning in many Westchester communities were overly restrictive to, in effect, lock out the opportunity to create new affordable housing.*

**Comment 3G-16:** The Town Board requests that, to the extent feasible, the Applicant do a balloon test to simulate the proposed height of the structure; that the Town Board be notified in advance of the balloon test being done; and that the results of the balloon test, including photographs, be included in the FEIS. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 4)

**Response 3G-16:** *A balloon test was conducted June 22, 2018. The results of the test, including photographs to simulate the views of River Knoll from adjacent and surrounding roadways, are included in Chapter 2 of the FEIS.*

**Comment 3G-17:** As the Town Board will be charged with considering the zone change proposed by the Applicant, the Town Board has a vested interest and obligation to ensure that this zoning is appropriate for the proposed property and that it meets the needs of the community, including housing needs. To that end, the Town Board requests that the Applicant produce a market study that evaluates the following:

- Empirical data to demonstrate sufficient demand for this project, both in the short-term and long-term, and the saturation point for this type of housing. Data should be specifically identified.
- The Applicant indicated that the primary market for the propose development is “empty-nesters.” The market study should include a discussion of

demographics of what types of people would be interested in this type of housing, and specifically the Applicant's proposed development, as well as focus on the demand for this type of housing from residents in the greater-Ossining community.

- The Town Board also wants to see how this proposed project would impact local economic development and community outreach. To this end, the Applicant should provide any data, information or analysis available to assess the extent to which these types of developments contribute to local businesses and the degree of disposable income the anticipated residents would have to do so.
- The Applicant should also identify mechanisms to encourage residents to be active participants in Town activities, invest time and resources in the Town community and frequent local Town establishments; and what, if anything, the Applicant proposes to do to encourage such behavior for this proposed project.
- To the extent feasible, the Applicant should analyze the Harbor Square and Avalon developments and determine (1) how many of those residents were previously residing in the Ossining area and (2) how do those developments impact local businesses and contribute to commercial revitalization in Ossining.

(D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 3)

**Response 3G-17:**

As requested, the Applicant retained RCLCO Real Estate Advisors to prepare a Market Assessment for River Knoll. The market study is discussed in Chapter 1 and included as Appendix D in this FEIS. The study concluded that there is demand for the kind of housing being proposed. RCLCO's study is supported by real estate analysts, such as *The Real Deal*, *New York Real Estate News* who report that "...there is still room for growth, saying that these developments cater to a certain type of tenant, often renters who want easy access to Manhattan..."<sup>3</sup> In addition, *The Fourth Regional Plan*, prepared by Regional Plan Association, found a strong demand for a diverse housing stock in the tri-state area.

*The applicant has maintained that what will make a project like River Knoll a successful, is for it to be highly amenitized, include social media initiatives informing residents of community activities, be convenient to downtown restaurants, and have access options to the train station, such as the proposed jitney.*

**Comment 3G-18:**

The Applicant is proposing a new floating zone (MF-2) that the DEIS indicates could be applied to other properties in the Town. Provide an analysis of what those properties are, what zones they are currently in, what their current uses are and what the development potential under the new zoning would be or these properties. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 3)

**Response 3G-18:**

See Response to Comment 3G-7.

*As noted in the DEIS, the potential impact of adopting the proposed MF-2 Zoning District on other areas of the Town will be at the discretion of the Town Board to consider whether or not to entertain rezoning of a candidate site covering 10 acres*

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<sup>3</sup> *The Multifamily Wave Continues to Crest in Westchester*, *The Real Deal*, January 2018.

*or more within the Town of Ossining. There are few undeveloped 10-acre sites within the Town, although there may be underutilized and tax-exempt religious or institutional uses of 10 acres whose ownership may be interested in having their property redeveloped as a multifamily housing site. However, it is questionable if any of these sites have access to municipal utilities to enable development as contemplated by the MF-2 Zone. The developed portion would typically be concentrated in the center of the site surrounded by open space. For such a parcel to be redeveloped based on their existing one-family zoning district would mean a conventional or clustered single-family residential subdivision that would increase the intensity of use on the site, remove vegetation, reduce the large area of open space surrounding the site, and alter the views of the site. The proposed MF-2 zoning district would provide the Town with an alternate zoning tool that could provide for a greater concentration of development in order to preserve the maximum amount of open space, protect natural resources, and enable the Town to expand the diversity of housing available to its residents.*

*On the issue of other potential properties in the Town, which could seek to be rezoned, the Westchester GIS tax map for the Town shows very few 10 plus acre vacant properties that could potentially be the subject of this analysis. There may be a small number of other 10-acre properties that are currently in use, but it would be speculative to guess which of those would discontinue their current use and seek to be rezoned. As to other vacant properties, their locations, access issues and water and sewer limitations would make them unlikely candidates for large scale residential development. In each possible instance, the Town Board would have full discretion to determine the appropriateness of a requested rezoning.*

**Comment 3G-19:** The new proposed zoning (MF-2) appears to be a conditional use with approval by the Planning Board. However, this approval is not included on the list of required approvals on page 1-3 of the DEIS. The Applicant should either amend the list accordingly or explain the reason for the omission. In addition, the chart of required approvals includes subdivision approval. The Applicant should clarify why the proposed project would require subdivision approval. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 3)

**Response 3G-19:** *Comment noted, and a correction was made to the table identifying permits and approvals. In addition, the requirement for subdivision approval has been removed from the list.*

**Chapter 3H: Traffic and Transportation**

**Comment 3H-1:** Did anybody stop or ride down Dale Avenue behind a school bus and watch 25 kids get off at a time? (J. Reilly, Commentator #6, Appendix A, transcript of Town Board Meeting, pages 11-12)

**Response 3H-1:** *The traffic counts were conducted during the hours associated with school bus traffic. River Knoll will generate approximately 32, 43, and 24 net additional total vehicle trips during the peak weekday AM, PM, and Saturday midday hours, respectively. The peak hours are estimated to be weekday mornings between 7:15 and 8:15 AM, weekday afternoons between 4:30 and 5:30 PM, and weekends between 10:30 and 11:30 AM. At signalized intersections, traffic flow conditions*

are assessed by calculating the Level of Service (LOS), where “A” denotes the best condition and “F” denotes the worst condition. To determine LOS, the average amount of vehicle delay is computed for each approach to the intersection, as well as the overall intersection. Specifically, Dale Avenue and Pine Avenue were assessed, and it was determined that the LOS stays the same between the existing conditions and future conditions with the Proposed Project.

Based on the capacity analysis of the Future without River Knoll and Future with River Knoll, there would be no significant degradation of traffic LOS, and no significant adverse traffic impacts, at each of the studied intersections as a result of the Proposed Project with proposed improvements.

**Comment 3H-2:** When the traffic study was done, what time of the year was it done because if it was done in the summer sometime and it didn’t necessarily take into effect the school year. I want to make sure it wasn’t done on the weekend. (J. Leslie, Commentator #7, Appendix A, transcript of Town Board Meeting, page 14)

**Response 3H-2:** *The traffic counts that were used in the traffic study were collected on Thursday, September 29, 2016, between the hours of 6:00-10:00 AM and 3:00-7:00 PM, and on Saturday October 15, 2016, between the hours of 9:00 AM and 1:00 PM to consider traffic generated during the school year during both a weekday and weekend period.*

**Comment 3H-3:** I don’t know the exact figure of how many more cars they said it would increase trips, but reading traffic surveys and studies, most of them are about 30 percent off the amount of trips (R. Santucci, Commentator #9, Appendix A, transcript of Town Board Meeting, pages 19-20)

**Response 3H-3:** *The traffic counts were conducted during the hours associated with school bus traffic. River Knoll will generate approximately 32, 43, and 24 net additional total vehicle trips during the peak weekday AM, PM, and Saturday midday hours, respectively. The peak hours are estimated to be weekday mornings between 7:15 and 8:15 AM, weekday afternoons between 4:30 and 5:30 PM, and weekends between 10:30 and 11:30 AM. The data that was collected and the methodology used for the traffic study was based on actual data collected at similar facilities was reviewed by the Town’s traffic consultant. The Town’s traffic consultant found that the traffic study included in the DEIS was complete and met that required by the adopted scoping document.*

**Comment 3H-4:** Anytime you improve a road, studies show that if you put turning lanes in like they are talking about, it increases traffic as well because of convenience. (R. Santucci, Commentator #9, Appendix A, transcript of Town Board Meeting, page 20)

**Response 3H-4:** *The concept of induced demand relates to traffic patterns and options for drivers to take various travel routes to get to their destination. This concept typically relates to the addition of travel lanes on a highway and not turning lanes. Within the vicinity of the project, there are not many alternative routes available for vehicles to travel to their destination. The proposed addition of the turning lanes at the intersection*

*of NY 9A and Croton Dam Road will not significantly alter travel patterns of the traveling public.*

**Comment 3H-5:** What about the noise that I will hear from all these vehicles? (R. Santucci, Commentator #9, Appendix A, transcript of Town Board Meeting, page 20)

**Response 3H-5:** *Noise as it relates to traffic typically is associated with truck traffic and not passenger vehicles. The proposed River Knoll project will not generate substantial truck traffic. The previous Stony Lodge Hospital on the site generated emergency vehicle trips (i.e. ambulances) which produced noise with their sirens.*

**Comment 3H-6:** The school buses needless to say go up and down constantly, as they should, and that in turn causes more traffic backup. I am concerned that we are not taking into consideration the safety of the traffic. (N. Kennedy, Commentator #10, Appendix A, transcript of Town Board Meeting, page 21)

**Response 3H-6:** *As mentioned in Response to Comment 3H-2, the study considers traffic related to schools and school buses. Regarding safety, the study considers the accident history within the study area. An accident analysis was provided in the study which reviewed accidents from 2009 to 2017. The installation of the proposed right turn lanes will reduce the number of accidents as documented by the Federal Highway Administration (FHWA). It is estimated that the installation of right turn lanes will reduce all accident types at the signalized intersection of NY 9A and Croton Dam Road by 8% percent based on FHWA documentation.*

**Comment 3H-7:** I looked at the traffic impact statement and believe me that statement was almost too good to be true. I don't think it is valid. I think it is a fallacy and I think it is designed to make the developers look great. (R. Trapasso, Commentator #12, Appendix A, transcript of Town Board Meeting, page 24)

**Response 3H-7:** *The Traffic Impact Study (TIS) for River Knoll was prepared using the methodology developed by the Institute for Traffic Engineers (ITE) and this methodology was reviewed by the Town's professional traffic engineering consultant. The Town's consulting traffic engineer found the study to accurately reflect existing traffic conditions, the future traffic conditions in the study if River Knoll were not built, and the traffic conditions in the study area if River Knoll were to be built. The TIS concluded that with improvements to the existing traffic signals, the additional traffic from River Knoll would result in levels of service comparable to the re-occupancy of the Stony Lodge Hospital.*

*In addition, in response to concerns raised by neighbors regarding congestion at the intersection of Croton Dam Road and NY 9A the applicant is working with New York State Department of Transportation (NYSDOT) to provide a right-turn lane on both Croton Dam Road approaches to NY 9A. This improvement will reduce the existing 150 second cycle length to 110 seconds – thus providing significant improvements to this intersection.*

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**Comment 3H-8:** Traffic is going to be abominable. Route 9A takes me one minute to get there. From 9A to the Taconic Parkway, it takes another 20 minutes. This type of traffic and this type of volume from the impact it will create, it is going to put another or at least no less than 30-45 minutes on my commute. That is just not me. That is including school traffic. (C. Callahan, Commentator #13, Appendix A, transcript of Town Board Meeting, page 27)

**Response 3H-8:** *See Response to Comment 3H-7.*

**Comment 3H-9:** The FEIS should contain all pertinent correspondence from the NYSDOT as well as the conclusion(s) reached by the NYSDOT regarding the matter concerning the Traffic Impact Study (TIS) findings pertaining to proposed signal timing improvements. The FEIS should also address whose responsibility it will be to fund all improvements specified and whose responsibility it will be to physically implement all said improvements. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 4-5)

**Response 3H-9:** *NYSDOT reviewed the January 8, 2018 Highway Work Permit Stage 1 Resubmission and provided an email response of their review which has been included in this FEIS. The email from Anne Darelus, PE of the NYSDOT is dated February 6, 2018 (Appendix B). The email states that the "(NYSDOT) Traffic and Safety (Group) is comfortable that the proposed mitigations adequately address the impacts this project will create. Please ensure that the Right Turn Lane and Signal Timing Mitigations (at the intersection of NY 9A and Croton Dam Road) are included in the final project." The NYSDOT has told the Applicant to proceed with Stage 2 of the Highway Work Permit which involves the preparation of design drawings for the proposed improvements within the State's right-of-way. The proposed improvements at the intersection of NY 9A and Croton Dam Road will be funded and constructed by Glenco, LLC. Proposed signal timing changes are typically implemented by the NYSDOT for their state-owned traffic signals and Glenco will coordinate with the NYSDOT regarding the proposed signal timing modifications.*

**Comment 3H-10:** This number of units would add at least 300+ more vehicles on Croton Dam Road daily. Egress from Cherry Hill Circle now is very difficult and dangerous. Anyone who has had the occasion to travel Croton Dam Road on both side of 9A in the morning or after school or evening commute can testify to the large volume of traffic. (G. and B. Seitz, Commentator #26, Appendix A, letter dated April 16, 2018, page 1)

**Response 3H-10:** *See Response to Comment 3H-1 and 3H-7. I should be noted that the results of the traffic impact study concluded that the development of River Knoll will result in approximately 32, 43, and 24 net additional total trips during the peak weekday AM, PM, and Saturday midday hours, respectively.*

**Comment 3H-11:** We live on Junction 134 and we endure extreme volumes of traffic, approximately two thousand cars daily, since the truck restricted signs were removed in 2014 as well as a traffic light instead at the intersection of Route 134 and Route 100 in Millwood. For the last thirty years, Route 100 was known as the truck route and

never Junction 134. Here are the following facts for the past four years and what we experience for twenty hours every day:

- High volumes of traffic noise (most vehicles travel almost 60 mph in our designated 30 mph zone)
- Horns blowing, loud music, loud mufflers, trash thrown on our property, and the air quality is full of carbon monoxide and dirt pollution which means we are unable to open our windows for fresh air.
- We experience cars with road rage, 18 wheeler garbage hauling trucks from other towns as early as 1am continuing till 7pm Every day Monday through Saturday

This housing project involves approximately 188 rental units which will add an additional 400 plus cars using our community roads and estimated 400-500 additional children in our school system. (D. and N. Markham; K. Lapine, Commentator #27, Appendix A, email dated May 7, 2018, page 1)

**Response 3H-11:** See Response to Comment 3H-1.

*The projected traffic associated with the proposed 174 unit apartment is based on vehicle trip information published by ITE in its publication, "Trip Generation Manual, 9th Edition." Table 1 in the DEIS shows the traffic volumes associated with the re-occupancy of the previous hospital land use and the proposed residential land use, as well as the net change in traffic volumes between them. The redevelopment will result in approximately 32, 43, and 24 net additional total trips during the peak weekday AM, PM, and Saturday midday hours, respectively.*

*Based on the capacity analysis of the Future with the Proposed Project as compared to the Future without the Proposed Project (or "No Build" condition with Stony Lodge Hospital traffic included), there would be no degradation of traffic Levels of Service, and no significant adverse impacts, at the studied intersections.*

**Comment 3H-12:** *Despite the addition of Project generated traffic that would be of a residential nature, it would not be expected that there would be an increase in truck traffic or the nuisance noises associated with truck traffic. In addition, a train shuttle is not a solution, there is no guarantee that the residents will be using mass transportation like the train rather than car commuting. It is most likely cars will be the majority travel convenience during the week and weekends. At present, Junction 134, six days a week during rush hours (3pm to 7pm), traffic is bumper to bumper, backed up ½ mile to Grace Lane in New Castle. Under these circumstances, we have to wait endlessly to leave our driveway and it takes ten minutes to reach the light at the intersection of Junction 134 and 9A (One 18 wheel truck is equivalent to six car lengths alone.) (D. and N. Markham; K. Lapine, Commentator #27, Appendix A, email dated May 7, 2018, page 1)*

**Response 3H-12:** *See Response to Comment 3H-1 and 3H-7. In addition, the parking that will be provided meets the code requirements for the Town. However, with the increase in ride sharing, Uber availability and eventually autonomous vehicles, the trend for car ownership will continue in a downward trend. Urban planners and transportation planners are predicting a continued decrease in car ownership for these types of projects.*

**Comment 3H-13:** Not only will it impact the school system which is already overcrowded, but the traffic issue. Trying to get through the intersections of Croton Dam Rd., Hawkes Ave. and 9A, during commuter hours, is a nightmare at best. Another concern is that the residents of the 188 units will attempt to by-pass the Croton Dam Rd., Rte. 134, 9A intersection by coming down Croton Dam Rd., make a left on Pershing Ave., passing by Lee Ave., Third Ave., Second Ave., and First Ave. This will endanger children waiting for school buses at these locations as the cars attempt to get to Narragansett Ave. for entry to 9A South. You should be advised that Pershing Ave. and Narragansett Ave. is a T-bone intersection with limited sight lines for on-coming traffic. This constitutes a dangerous intersection. (R. Damiano, Commentator #28, Appendix A, letter dated May 8, 2018, page 1)

**Response 3H-13:** *See Response to Comment 3I-1 regarding potential impacts of the River Knoll on the OUFSD.*

*See Response to Comment 3H-7 regarding the TIS for River Knoll and proposed improvements that address these stated concerns.*

**Comment 3H-14:** In addition, there are school age children waiting for the school buses at Lincoln and Lee, Lincoln and Third, Lincoln and Second and Lincoln and First Avenues. Lincoln and Narragansett Ave. is a safer intersection and residents of River Knolls will find that out and traffic will be increased on Lincoln Ave. (R. Damiano, Commentator #28, Appendix A, letter dated May 8, 2018, page 1)

**Response 3H-14:** *See Response to Comment 3H-1.*

**Comment 3H-15:** As a concerned resident, I commented on a particular traffic issue that will only get worse should this project come to fruition, as well as the underlying reason for the Applicant's building request. Pershing Avenue is located just south of the proposed River Knolls project. The residents living on and immediately nearby this street include both children and elderly (including my parents), there is also a licensed home daycare facility. This street is currently a high-speed (in excess of 30 MPH) thoroughfare for many. I have seen taxis violating mandatory school bus stops, as well as other vehicles using higher than appropriate speed to get from Croton Dam Road to Narragansett Avenue. Considering the current overwhelming traffic situation in both the Town and Village of Ossining, I can only expect an increase in traffic as a "short-cut" on this route. (M. Lattin, Commentator #21, Appendix A, letter dated May 14, 2018, page 1)

**Response 3H-15:** *See Response to Comment 3H-1.*

*As noted in the DEIS, the LOS table in the TIS summarizes the Levels of Service, delays and volume-to-capacity for the existing (2016), No Build (2022), and Build (2022) conditions. The TIS evaluated changes in traffic associated with River Knoll at nine intersections. As shown in the summary table provided in Appendix G of the DEIS, the overall LOS at the intersection of Croton Dam Road and Pershing Avenue with Cherry Hill Circle will stay the same between the existing and the 2022 Build year, while, at most, the additional intersections analyzed would experience minor increases in delays with the development of River Knoll.*

**Comment 3H-16:** The traffic study does not address the impact of cutover traffic from Croton Dam Rd to Narragansett to get to 9A south. Traffic currently speeds up and down Narragansett Avenue and it is difficult to get out of the driveway now. I have to put on my car flashing light to ease out of my driveway. Will speed bumps be installed along Narragansett Avenue in various intervals to slow the traffic speed? (W.M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 2)

**Response 3H-16:** See Response to Comment 3H-1.

*As noted in the DEIS, the TIS evaluated the unsignalized intersection at Croton Dam Road and Narragansett Avenue, Results of the analysis determined that the LOS stays the same between existing conditions and the 2022 Build year used for analysis, or the year in which River Knoll would be fully occupied.*

**Comment 3H-17:** Will pedestrian crosswalks be setup at various intersections to mitigate fatalities (children walk & cross on Narragansett to access school buses and Vets Park)? (W.M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 2)

**Response 3H-17:** *The Applicant will work with the OUFSD to make whatever modifications will be beneficial for children getting onto school buses. These modifications could include additional and/or relocated crosswalks to ensure the safety of pedestrians. Based on discussions with the OUFSD Department of Transportation, there are no existing school bus stops nearby for the proposed redevelopment. School bus service will need to be provided to the proposed redevelopment via a new school bus stop along an existing bus route. A location will be identified to pick up school children in consultation with the school district, most likely along Croton Dam Road at its intersection with the proposed site driveway.*

*As noted in the DEIS and based on the traffic counts conducted for the TIS, there is not a significant number of bicyclists or pedestrians at the studied intersections. Furthermore, the potential adverse impact of increased traffic upon the safety of pedestrians and bicyclists would be minimized by implementing the proposed traffic mitigation measure which include proposed infrastructure and signal timing improvements pending before NYSDOT such as constructing a right turn lane on both Croton Dam Road approaches to NY 9A, and reducing the existing 150 second cycle length to 110 seconds. The findings of the TIS concluded that these improvements would significantly improve the traffic conditions at the intersection of Croton Dam Road and NY 9A to ultimately reduce congestion and related traffic issues.*

**Comment 3H-18:** Why doesn't the traffic study include the impact of delivery truck (FED EX, UPS, USPS) to the 188 unit apartments for on-line shopping that most apartment dwellers use? (W.M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 2)

**Response 3H-18:** *While Stony Lodge Hospital was in operation until closing in 2012, delivery trucks, including large multi-axle trucks, traveled to the Project Site daily with food, supplies, and deliveries from FedEx and UPS. As noted in the DEIS, during the time Stony Lodge Hospital was in operation, it provided residential treatment for up to 61 adolescent residents and 250 staff. To operate, there was traffic in and*

*out of the site 24 hours a day, including delivery trucks.. The traffic pattern for the residents of River Knoll will be more similar to the surrounding neighborhood.*

**Comment 3H-19:** Additionally, the roads in the immediate area cannot accommodate current traffic, let alone the influx of traffic that an apartment complex of 188 units will bring from the residents, as well as their visitors, deliveries and various service providers. It is unlikely that the estimated number of cars for the complex, estimated by Glenco, is accurate. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3H-19:** *See Response to Comment 3H-7.*

**Comment 3H-20:** Glenco's offer to add a right turn lane at Croton Dam Road at 9A to reduce morning congestion is superfluous. Drivers already create their own right turn lane at the intersection, but it does little, if anything to alleviate the congestion. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3H-20:** *See Response to Comment 3H-6.*

**Comment 3H-21:** The Applicant should conduct additional traffic analysis comparable to what is described in Chapter 3.H(B) of the DEIS at the following roads/intersections:

- Intersection of Pershing Avenue and Narragansett Avenue
- Intersections of Pershing Avenue and smaller offshoot roads – specifically, First Avenue and Second Avenue
- Intersection of Pine Avenue and Narragansett Avenue
- Intersection of Dale Avenue where Routes 133 and 134 merge – the Washington School area

(D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 3H-21:** *As requested, a supplementary Traffic Impact Study (TIS) was conducted on the additional four intersections. The findings of the traffic study are presented in FEIS Chapter 1 and 2, and the TIS is included herein as Appendix C.*

**Comment 3H-22:** Provide any written comments/communications to and from New York State Department of Transportation regarding the project and the implementation of the proposed mitigation measures identified in the DEIS. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 3H-22:** *See Response to Comment 3H-9.*

**Comment 3H-23:** The Applicant should provide an explanation for why this proposed project is anticipated to have a lower utilization of vehicles. At the Town Hall meeting, Mr. Vetromile indicated that there is anticipated to be a lower utilization of vehicles. However, the proposed project is not a transit-oriented development like some of the other projects Mr. Vetromile referenced, like in Tuckahoe. The Town Board,

therefore, requests that the Applicant provide an explanation of the basis of this expectation and why it applies to the proposed project in its proposed location. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 3H-23:** *As noted in the DEIS, the projected traffic associated with the proposed 174-unit River Knoll redevelopment is based on vehicle trip information published by ITE in its publication, "Trip Generation Manual, 9th Edition." In Chapter 3H, "Traffic and Transportation", Table 3.H-1 shows the traffic volumes associated with the re-occupancy of the previous hospital land use and the proposed residential land use, as well as the net change in traffic volumes between them. The redevelopment will result in approximately 32, 43, and 24 net additional total trips during the peak weekday AM, PM, and Saturday midday hours, respectively. The applicant has stated that the project will be marketed to empty nesters who are looking for an alternate residential lifestyle. This lifestyle includes a demand for new mobility transportation options, such as the jitney service and a trend towards the reliance on Uber, Lyft, and similar ridesharing programs.*

*Public transportation is not available in the vicinity of the project site. Consequently, the Proposed Project will accommodate its residents with a jitney shuttle bus to and from the Ossining and/or Croton train station in order to alleviate traffic during AM and PM peak.*

*With regards to school bus routes, the Project Sponsor will work with the school district to make whatever modifications are necessary to ensure safe pick and drop off of students during and post construction. Based on discussions with the Ossining Union Free School District Department of Transportation, there are no existing school bus stops nearby for the proposed redevelopment. School bus service will need to be provided to the proposed redevelopment via a new school bus stop along an existing bus route. A location will be identified to pick up school children in consultation with the school district, most likely along Croton Dam Road at its intersection with the proposed site driveway.*

**Comment 3H-24:** State who will bear the financial burden of the proposed traffic infrastructure improvements identified in the DEIS as part of the proposed project; who will be responsible for undertaking, coordinating and executing those proposed improvements; and how the traffic improvements will be implemented and the timing of such improvements in connection with the permitting/approval process. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 3H-24:** *The traffic improvements will be a condition of site plan approval and it will be the responsibility of the applicant to obtain permits and fund the proposed traffic improvements identified in the DEIS as part of the proposed project. The timing of obtaining a highway work permit from NYSDOT permits will begin as soon as the site plan is approved.*

*See Response to Comment 3H-9.*

**Comment 3H-25:** The Town's traffic consultants should review the Applicant's traffic analysis and determine if said analysis is sufficient to assess the potential impacts to traffic from the proposed project and whether they agree with the Applicant's conclusions

regarding the impacts on traffic set forth in the DEIS. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 3H-25:** See *Response to Comment 3H-7*.

**Comment 3H-26:** If there is an expectation that people are planning to move to Westchester from Manhattan and commute, that will definitely have a major transportation impact not just at 9A and 124 but throughout the entire village on a daily basis. (M. Lattin, Commentator #21, Appendix A, transcript of Town Board Meeting, page 55)

**Response 3H-26:** See *Response to Comments 3H-1, 3H-7, and 3H-11*.

### **Chapter 3I: Community Facilities**

**Comment 3I-1:** When all these groups keep coming in, I believe Mr. Sanchez and the school board want the community to be educated, but the existing infrastructures are not enough. (J. Leslie, Commentator #7, Appendix A, transcript of Town Board Meeting, page 17)

**Response 3I-1:** *The applicant has been coordinating with Mr. Sanchez and other administrators in the school district to mitigate any potentially adverse impacts the estimated 14-15 school age children that might be living at River Knoll. It is estimated that River Knoll will generate \$682,843 in school related taxes, based on 2018 Property Tax Rates. The cost to educate the estimated 14-15 school age children is approximately \$313,025, based on the OUFSD Proposed Budget for 2018-2019. In addition to the \$682,843 in school taxes, the applicant has agreed to increase the contribution to the OUFSD from \$350,000 to \$425,000 for the School District to use for enhancing school programs and facilities. The \$425,000 will be in addition to the school tax obligation for the project. It should be noted that the additional school taxes that will be levied on the project will offset the local tax burden on taxpayers. But school districts, such as the OUFSD, determine their budget on a yearly basis based on state law and are subject to voter approval. It will therefore be this process that will determine how best to apply the revenue generated by the project. The other taxes generated from the project will also have the potential beneficial impact of lowering the community tax burden that goes to pay for other Town-wide and unincorporated municipal services.*

**Comment 3I-2:** I remember when they were putting up the projects across on the corner of 9A. And the builder said then that its impact on the schools would be very little; that they were doing it as a high income, and there would be few children in the units. Do you know today the school bus goes up into that unit and comes out half full. So the impact is significant and I believe the impact on the school district with these 188 units will be significant. (B. Celente, Commentator #8, Appendix A, transcript of Town Board Meeting, pages 18-19)

**Response 3I-2:** See *Response to Comment 3I-1*.

**Comment 3I-3:** The schools are already overcrowded. We don't have the room for the students we already have. And we don't have the money to continue to house and educate additional students (A. Spring, Commentator #11, Appendix A, transcript of Town Board Meeting, page 22)

**Response 3I-3:** See Response to Comment 3I-1.

**Comment 3I-4:** Somebody made a statement that the superintendent of schools said in a letter that we will be overwhelmed by this type of structure, by this type of project (C. Callahan, Commentator #13, Appendix A, transcript of Town Board Meeting, pages 27-28)

**Response 3I-4:** See Response to Comment 3I-1.

**Comment 3I-5:** I have been through this before. They found out that in a one-mile stretch to get to Dobbs Ferry hospital from 9A, which is a normal three- minute drive, it would take an emergency vehicle 45 minutes to get from the location from where the patient had to be transported from. That in and of itself tells me that this is not a good idea at all; not only does it change the structure of the community; it impacts the people in their one house – one home. (C. Callahan, Commentator #13, Appendix A, transcript of Town Board Meeting, page 29)

**Response 3I-5:** See Response to Comment 3H-7.

**Comment 3I-6:** I am going to give you a little more information on the school that was prepared by Boise Demographics in November 2017. (D. Whitlinger, Commentator #15, Appendix A, transcript of Town Board Meeting, page 32)

**Response 3I-6:** *Comment noted. The full report prepared by the Commenter was provided to the Planning Board at the Public Hearing. A copy is available to view in the Planning Department.*

*The applicant recognizes that potential school impacts from the Proposed Project is one of the most significant issues raised by Town officials, the school board, and the community. In response to these heightened concerns, the applicant began a dialogue with school district officials in 2015. The dialogue included obtaining input on school capacity issues, capital improvement plans/needs, school generation rates from comparable projects, and strategies for mitigating potential impacts on the school district. As stated above it is estimated that River Knoll will generate \$682,843 in taxes for Ossining Schools. In addition to the \$682,843 in school taxes that will come from the Proposed Project, the applicant has agreed to increase the contribution from \$350,000 to \$425,000 for the OUFSD to use as they determine towards enhancing school programs and facilities. This \$425,000 is over and above the tax obligation for the project.*

**Comment 3I-7:** I would like everybody to take a look at more comparable apartment buildings, like 25 State Street and the rental buildings to see how many students come out of those apartment buildings because I think those are the more practical numbers than what are reflected in the reports. I don't think Westery Avalon is comparable.

(M. Caruso, Commentator #17, Appendix A, transcript of Town Board Meeting, pages 42-43)

**Response 3I-7:** *The multi-family building at 25 State Street, also known as The Red Lion, was constructed in 2012 with financing that restricts its occupancy based on income eligibility. The amenities are limited to interior appliances, Consequently, neither the residential product, market orientation nor the demographics are comparable to the Proposed Project.*

**Comment 3I-8:** The Applicant should continue to attempt to secure letters from any and all community services which have not responded to the Applicant's requests for comments to-date. Further, responses from 2015 and 2016 may no longer be accurate or relevant; the Applicant should attempt to obtain updated responses. The requests for information should specifically ask what impact, if any, the proposed project would have, as well as what impact the project would have upon the service provider's ability to provide services in general. Such additional responses should be included in the FEIS. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 5)

**Response 3I-8:** *Correspondence was sent to municipal service provides in January of 2019. Copies of the correspondence is included in Appendix D, and responses, when they are received will be forwarded to the Planning Board under separate cover.*

**Comment 3I-9** The Ossining School District should be solicited to comment on the following in the DEIS: the projected school-age children estimates, the fiscal analysis relative to the School District, the mitigation measures provided by the project, and the actual impact of the project on the District. The FEIS should contain the School District's comments. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 5)

**Response 3I-9:** *See Response to Comment 3I-1. The FEIS contains the school district comments individually within this chapter and in their entirety in Appendix A.*

**Comment 3I-10:** The Rutgers University Center for Urban Policy Research (CUPR) school-age children factors used in the DEIS are from 2006 and have not been updated. The FEIS should address whether and to what extent said factors are still valid. Further, the analysis in the FEIS should endeavor to include additional relevant school-age children data. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 5)

It is the Board's understanding that the Rutgers study has not been updated since 2006 and that the actual number of students generated from condominiums/apartments is larger than set forth in the Rutgers study. The Town Board would like to see additional analysis on this issue that provides a more robust and accurate basis for the student enrollment projections than what is set forth in the DEIS. In furtherance of this comment, the Town Board is aware of a study that looked specifically at the number of students in Ossining. The Town Board will make that information available to the Applicant as soon as possible,

which the Applicant should consider and, to the extent it is determined to be reliable and relevant, incorporate into the additional analysis on this issue. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 1)

**Response 3I-10:** *The applicant concurs that the Rutgers Study is outdated and does not reflect current data. As was provided in the DEIS and supplemented herein are the actual number of school age children living in comparable, highly-amenitized one and two-bedroom rental projects in the suburban Westchester market being marketed towards young professionals and empty nesters. These projects yield a very small number of school age children. A complete table of comparable projects, their location, and the number of school age children living in the units is provided in Chapter 1 of the FEIS.*

**Comment 3I-11** The make-up of the Proposed Project contains 92 two-bedroom rental units and 96 one-bedroom rental units. The developer projects that the project will only yield an additional 29 school aged children. The accuracy of these projections is questionable for multiple reasons, including the costs used by the developer and the methodology employed to project the number of students. The District asserts that the methodology utilized by the developer does not accurately project the number of school aged students generated from the Proposed Project. More specifically, the DEIS applies a method for enrollment projection circulated by the Rutgers University Center for Urban Policy. The study was published in 2006 using data from the 2000 census and has not been updated since. Effectively, the DEIS is relying upon population data from the 1990s to estimate the impact that the Proposed Project will have on enrollment in 2018 and beyond. Such data does not capture the socioeconomic climate and demographics of Ossining as it exists today. Notably, Ossining has witnessed a significant increase of multi-family developments in recent years, a trend that has been a major factor in the District's review of the application of the Rutgers study and its reliability to project the number of students for projects such as the Proposed Project. The District submits that updated analyses should be required for projects of this nature or alternatively, measures implemented to protect the District if the projections are inaccurate. (R. Sanchez, Commentator #4, Appendix A, letter dated July 11, 2018, page 2)

**Response 3I-11:** *See Responses to Comment 3I-1 and Comment 3I-10.*

**Comment 3I-12:** Our own School Superintendent, Ray Sanchez, spoke to the Board stressing that in the high school they are using the stage as a reading classroom and that the addition of the project and the following Harbor Square- 188 units, Avalon- 168 units, Hudson Steppe- 188 units [and] Parth Knolls- 53 units will add 785 residential units in less than 5 years. Causing overcrowding, more staff, more parking, and additional related services all adding to an inevitable school tax increase. (G. and B. Seitz, Commentator #26, Appendix A, letter dated April 16, 2018, page 2)

**Response 3I-12:** *See Response to Comment 3I-1.*

**Comment 3I-13:** A maximum addition of 26 school age children is unrealistic. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3I-13:** *See Response to Comment 3I-1.*

**Comment 3I-14:** The School District should provide written comments on the proposed project. These comments should include a discussion of the \$350,000 community benefit payment from the Applicant as proposed in the DEIS and how that money will be used to mitigate the potential impacts from the increase in student enrollment from the proposed project. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 3I-14:** *Comments were received from Ray Sanchez, OUFSD Superintendent, and are responded to herein. Regarding the community benefit payment offered by the applicant – in addition to the school taxes - an agreement was entered into between the Applicant and the OUFSD to contribute \$350,000 to address programming and capital needs of the school district. However, in response to comments and concerns regarding space concerns, the Applicant is offering to increase the contribution to \$425,000. As a result of this agreement, the OUFSD agreed that the donation is a “sufficient, adequate and appropriate mitigation payment to comprise full and complete offset of any and all impacts to the District arising out of, or in connection with the Project”. It will be up to the OUFSD to determine how this contribution will be used. A copy of the original signed agreement is included herein as Appendix E. A revised copy memorializing the increased contribution will be provided to the Planning Board under separate cover.*

**Comment 3I-15:** Provide clarification on where the Applicant got the information regarding the student enrollment from the Avalon development. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 1)

**Response 3I-15:** *Per the DEIS, School Generation Rates for Nearby Developments were derived from identifying the number of school age children at a specific development according to the Avalon Development Company. Thus, based on the number of residential units, a ratio can be calculated to estimate the number of school age children the Proposed Project would generate.*

**Comment 3I-16:** We would like single families but our school system can't take it. We are already the lowest funded; our classrooms are 28 or 30. I can say that because I am a teacher at the high school and I know that. (J. Bedoya, Commentator #20, Appendix A, transcript of Town Board Meeting, pages 49-50)

**Response 3I-16:** *See Response to Comment 3I-1.*

**Comment 3I-17:** Were our municipal services taken into consideration as part of the study. It still will have a taxing effect on our police force; on our DPW, and on other services, the Sanitation Department. (M. Lattin, Commentator #21, Appendix A, transcript of Town Board Meeting, page 56)

**Response 3I-17:** *See Response to Comment 2-15 on police services. See Response to Comments 3F-1 and 3F-2 on sanitation and other municipal services.*

**Chapter 3J: Fiscal Impacts**

**Comment 3J-1:** You come across as if you're going to give the school district a payment, that is what you said last night. You didn't tell us how much or if there is going to be a pilot on this project. (J. Reilly, Commentator #6, Appendix A, transcript of Town Board Meeting, page 12)

**Response 3J-1:** *River Knoll will be responsible for \$682,843 annually to the Ossining Union Free School District (OUFSD). This tax obligation is based on data from the OUFSD for the 2018-2019 School Year and assumes that River Knoll would generate approximately 14-15 school aged children. According to the OUFSD comments on the DEIS, the cost to educate those children is to be based upon the most recent Non-Resident Tuition Report published by the New York State Education Department. The annual net cost for an Ossining UFSD mainstreamed K-6 student is \$14,195 and \$13,770 for a 7-12 grade student; the annual net cost for those students in K-6 special education classrooms is \$60,708 and \$60,283 for a 7-12 grade student. Thus, the average blended net cost per student is \$13,982.50 for mainstreamed students and \$60,495.50 for those students in special education classrooms, annually. Consequently, the annual total cost to educate 16 students is approximately \$313,025.*

*The Applicant is not suggesting that the \$369,818 increment between the total cost to educate and the project generated revenue serves as a windfall for the OUFSD. The Applicant is aware of those issues facing the OUFSD, such as tax cap limits and labor negotiations, which prevent the district from receiving the entirety of the tax revenue generated by the Proposed Project, though these issues are not within the scope of study for a FEIS. As an example of the Applicant's willingness to cooperate with the school district to contribute to its continued success, in response to comments and concerns expressed by the School Superintendent, he Applicant has voluntarily offered to increase the contribution from \$350,000 to \$425,000 to be used for school programs and capital improvements as the District seems fit. The original agreement between OUFSD and Glenco Group, LLC was memorialized as of September 29, 2016 and is included as Appendix E. A revised agreement reflecting the increased contribution will be provided to the Planning Board under separate cover.*

**Comment 3J-2:** Our school district cannot even think of putting another bathroom in without expanding the footprints of the existing facilities we have. How are we going to deal with those 22-27 new students your project will bring in? (J. Reilly, Commentator #6, Appendix A, transcript of Town Board Meeting, pages 12-13)

**Response 3J-2:** *See Response to Comment 3I-1.*

**Comment 3J-3:** I know for certain that the people who are sending their kids to school from those apartments will not be paying a fair share either. (B. Celente, Commentator #8, Appendix A, transcript of Town Board Meeting, page 19)

**Response 3J-3:** *See Response to Comment 3I-1.*

**Comment 3J-4:** These condos are not going to be paying their fair share, and who will have to make up for that is the single-family homes. (A. Spring, Commentator #11, Appendix A, transcript of Town Board Meeting, page 22)

**Response 3J-4:** *River Knoll will not be a condominium project but a rental project. The current tax obligation for the property in 2018 is approximately \$95,418, according to 2018 Property Tax Rates for the Town and Village of Ossining. This is based on an assessed valuation of \$2,493,500. Once the site is converted from an institutional use to a residential use, the Town's Assessor estimated that the Full Market Valuation of the property will increase to \$27-29,000,000. (A copy of correspondence from the Town Assessor, dated January 22, 2019, is included in Appendix B). All in all, the taxes that will be paid to the Town, Village, County, and School District are estimated to be \$1,048,469. This is in comparison with the current \$95,418 in taxes currently being paid.*

**Comment 3J-5:** The DEIS states "that the Proposed Project will not result in any significant adverse impacts to the OUFSD." The District does not agree and respectfully submits that the following calculation accurately measures the baseline of the potential impact of educating the number of students estimated by the developer to be added to the District. According to the most recent Non-Resident Tuition Report published by the New York State Education Department, which is used and relied upon by school districts and governmental entities throughout the State of New York to determine the annual cost for students at each school district, the annual net cost for an Ossining UFSD "regular" K-6 student is \$14,195 and \$13,770 for a 7-12 grade student. The annual net cost for a K-6 "student with disabilities" is \$60,708 and \$60,283 for a 7-12 grade student.<sup>2</sup> Currently, twelve percent (12%) of the K-12th grade student population are special education students. Applying this percentage to the proposed number of students generated from the Proposed Project (as estimated by the developer) results in an increase of 25.52 new regular students and 3.48 new special education students. The average blended net cost for a K-12 regular education student is \$13,983.00 and the net cost for 25.52 regular students equals \$356,846.16. The average blended net cost for a K-12 special education student is \$60,495.50 and the net cost for 3.48 students with disabilities is \$210,524.34. Accordingly, the total cost to educate 29 students, if such projection were to be accurate (which the District maintains that it is not), is \$567,370.50 in today's net cost. It is likely that these costs will increase annually. Even if the developer's calculations in the DEIS were accurate (\$561,788.001, a modification to the number of special education students and/ or the number of students will far exceed the costs/benefits projected by the developer. At a minimum, measures should be put in place to keep the District whole. (R. Sanchez, Commentator #4, Appendix A, letter dated July 11, 2018, page 2-3)

I confirmed with Superintendent Sanchez that our cost to educate each student is approximately above \$20,000 per child. So if we are going off their number, then we are looking at 29.8 children that they estimate will be joining our already at capacity schools. This group has offered to pay the school district \$350,000, but that is nowhere near covering the amount of students that would be entering this school district based on their numbers which is closer to \$580,000. (J. Vecchiarelli, Commentator #16, Appendix A, transcript of Town Board Meeting, page 40-41)

**Response 3J-5:** *As requested by the Town, an estimate for the assessed valuation for the proposed project was obtained by the Tax Assessor. The Tax Assessor provided a written estimate, see Appendix B, of \$27-29 million, which is higher than the analysis conducted in the DEIS. Using \$27.5 million as the assessed value for the project and using 2018 tax rates, the school taxes for River Knoll would be \$682,845 -still in excess of the estimated cost to educate the children likely to reside at River Knoll. The additional school taxes that will be levied on the project may offset the local tax burden on taxpayers, but may not be directly added to the school tax revenues. School districts such as the OUFSD determine their budgets on a yearly basis based on state law and are subject to voter approval. It will be this process that will determine how best to apply the revenue generated by the project. Municipalities like Ossining need to continue their efforts to advocate to the state government to modify the unfair manner in which education is funded in the state to address the well-documented inequalities.*

*For the past three years, the applicant has been coordinating with the Superintendent of Schools, Mr. Sanchez and other administrators in the school district to mitigate any potentially adverse impacts the estimated 16 school age children that might be living at River Knoll. It is estimated that River Knoll will generate \$682,843 in taxes for Ossining Schools.*

*In addition to the \$682,843 in school taxes that will be the obligation of the applicant, the applicant has worked with the school district to agree to contribute to a community benefit fund towards enhancing school programs and facilities. The original contribution of \$350,000 has been increased to \$425,000. See Appendix E for a copy of the original agreement. A revised copy of the agreement reflecting the increased contribution will be provided to the Planning Board under separate cover.*

**Comment 3J-6:** *The FEIS should contain a market analysis which addresses the demand in the subject market for the proposed housing type and amenities (i.e., high-end rental apartments). (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)*

**Response 3J-6:** *As requested, the applicant commissioned a market analysis to address the market demand for a residential project such as River Knoll. A summary of the study is included in Chapter 1 of this FEIS and the complete study is in Appendix E.*

**Comment 3J-7:** *The Town Assessor should be asked to review the accuracy of the Fiscal Impacts chapter of the DEIS and the FEIS should include the Assessor's comments. (D. Stolman, M. Galante, M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)*

**Response 3J-7:** *As requested, the applicant met with the Town's Assessor and reviewed the basis for the fiscal analysis. It was the opinion of the Assessor that the \$26 million value was too low and the Full Market Value should be increased. In correspondence from the Town Assessor, dated January 22, 2019 and included in Appendix B, the Assessor estimated the assessed valuation to be between \$27-29,000 million. Consequently, for the purpose of this analysis, the applicant increased the*

*estimate of the Full Market Value to \$27.5 million. A table showing the revised taxes estimated to be generated is included in Chapter 1 of this FEIS.*

**Comment 3J-8:**

Because the developer contends that the District receives the total taxes paid on the development as "new revenue," estimated in the DEIS to be \$662,522, the developer estimates that the Proposed Project will result in a windfall to the District. It does not. This inaccuracy relates to the limitations placed on the District under the Tax Cap, which restricts increases in the school tax levy to 2% or the rate of inflation, whichever is lower.<sup>3</sup> Contrary to the DEIS, the District does not receive a stream of new tax revenue from the Proposed Project. The DEIS projected new tax revenue to the District in the amount of \$662,522 does not take into consideration the legal requirements and budgetary operations that apply to school systems in the State of New York. (Even if the calculations contained in the DEIS were accurate, it would not account for the significant costs to be incurred by the District identified herein). Accordingly, under the scenarios applied in the DEIS, the District does not receive new revenue from the Proposed Project and in fact, the District is negatively impacted as a result. The District and the developer have worked together in the past to address prior concerns and, moving forward, the District hopes for the same level of cooperation, in the interest of protecting our community and our school system. (R. Sanchez, Commentator #4, Appendix A, letter dated July 11, 2018, page 5)

**Response 3J-8:**

*As presented in Chapters 1 and 2, River Knoll will be a rental residential community that will be marketed to and will appeal to young professionals and empty nesters. Comparable projects in comparable school districts in the area suggest that the number of school aged children likely to live at River Knoll will be 16 students – significantly lower than if this were to be a for-sale residential community. Projects with fee-ownership, 3+ bedrooms, or townhomes typically generate significantly more school aged children. In response to concerns regarding the potential of school age children residing at River Knoll, the Applicant has reduced the number of units from 188 to 174 – an almost 8% decrease. In addition, the Applicant has increased the number of one-bedroom units to further reduce the likelihood of River Knoll attracting a large number of school-age children.*

*As requested by the Town, an estimate for the assessed valuation for the proposed project was obtained by the Tax Assessor. The Tax Assessor provided a written estimate, see Appendix B, of \$27-29 million, which is higher than the analysis conducted in the DEIS. Using \$27.5 million as the assessed value for the project and using 2018 tax rates, the school taxes for River Knoll would be \$682,845 -still in excess of the estimated cost to educate the children likely to reside at River Knoll. However, as the Applicant acknowledges that the additional school taxes that will be levied on the project will offset the local tax burden on taxpayers. School districts such as OUFSD determine their budget on a yearly basis based on state law and are subject to voter approval who will therefore determine how best to apply the revenue generated by the project. Municipalities like Ossining need to continue their efforts to advocate to the state government to modify the unfair manner in which education is funded in the state to address the well-documented inequalities.*

*The applicant is aware that the OUFSD is concerned with current enrollment growth and the programming and space constraints currently being experienced by the district, and the impact additional students will have on the quality of the*

*educational programs in the OUFSD. In addition, the applicant recognizes that even though the school tax obligation from River Knoll will exceed the cost to educate the school age children likely to live at River Knoll, there are taxing allocations and labor negotiations that are outside of the scope of this application. It should be noted that over the past three years, the applicant has discussed potential impacts of the additional school children in cooperation with school district officials. An outcome of these discussions was a commitment by the applicant to a 'community benefit contribution' – over and above what will be paid in school taxes – for the district to use towards enhancing school programs and facilities. The Applicant has increased this contribution from \$350,000 to \$425,000. The original contribution is memorialized in an agreement between the OUFSD and the Project Sponsor, dated September 29, 2016 (see Appendix E). A revised agreement will be provided to the Planning Board under separate cover.*

**Comment 3J-9:**

Building capacity levels pose yet another real concern. As the Planning Board is aware, any increase of school aged children to the already crowded schools may require the immediate alteration and expansion of District facilities, a costly and timely endeavor. With the District's facilities already at, or near full capacity, the potential impact of a residential development such as the Proposed Project will likely result in the need for additional space. Additional space, or modification to existing space to accommodate an influx of students, does not come without cost and could result in the elimination of existing instructional and educational programs. The costs associated with school construction are significant. Ultimately, the costs of construction will be borne by the taxpayers and any reduction to programs will result in lost opportunities for the students, which can never be fully quantified.

While the District certainly welcomes new students and every opportunity to enrich the lives of the youth in our school system, it can only do so within the confines of its existing infrastructure or plan new facility construction at a cost as set forth above. Since 2007, District enrollment has increased by 963 students (almost 25%). Gains are projected to continue during the next ten years, with an increase of 414 students expected by 2027. The increase of school aged children projected from the Proposed Project will add to these projections. The District is currently grappling with the loss of valuable outdoor space by virtue of accommodating this ever-increasing enrollment. The loss of outdoor space also impacts educational opportunities and has a direct impact on the welfare and well-being of the students. All of the foregoing results in additional costs to the District and unintended consequences, including loss of programs and/ or an increase in taxes for the residents. While the developer has been very receptive to the District's concerns regarding these potential costs, the updates to the DEIS since the agreement was reached between the District and the developer may warrant additional mitigation measures to keep the District whole. The District respectfully submits that for all of the above reasons, the DEIS must be modified to reflect a more accurate enrollment projection/ calculation. The District and its community would face significant challenges if no additional mitigation measures are implemented. (R. Sanchez, Commentator #4, Appendix A, letter dated July 11, 2018, page 4)

**Response 3J-9:**

*See Response to Comments 3J-5 and 3J-8.*

**Comment 3J-10:**

Costs to the school system do not end with the per-pupil cost analysis as inferred from the DEIS. In addition to the costs associated with projected school aged

children, the District may be faced with additional costs for "breakage"; i.e. where the students generated require the employment of additional teachers/ staff in terms of salary and benefits. Class size is governed by the terms of a collective bargaining agreement. Accordingly, the District cannot simply modify class size to accommodate an influx of students. Increased staffing would be required and essential to maintain the caliber of the educational programs offered by the District (R. Sanchez, Commentator #4, Appendix A, letter dated July 11, 2018, page 3-4)

**Response 3J-10:** *See Response to Comments 3J-5 and 3J-8.*

**Comment 3J-11:** The increase in services required for the 188 units would affect the property and school taxes for homeowners. How will the increase in taxes be allocated? (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 3J-11:** *See Response to Comment 3J-1.*

**Comment 3J-12:** Placing an apartment building in the midst of single family homes will adversely affect the property values of those homes, just as it had done in other areas. People invest a great deal of money in their homes and would not invest the same amount if the neighborhood view is marred by an apartment building complex. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3J-12:** *As discussed in the DEIS, the redevelopment of the Project Site to multifamily housing from Stony Lodge Hospital, closed as of 2012, will serve to conform the land use with that of the surrounding residential community, ultimately providing an attractive residential development that will be professionally managed and will enhance the property values of its surrounding neighbors instead of remaining underutilized and unoccupied.*

**Comment 3J-13:** Another key concern is the burden this will place on the school system and the resulting additional tax burden that will be placed on homeowners. As it is, owners of single family homes pay more than their fair share in taxes since Ossining has a substantial amount of condominium owners whose taxes are calculated at considerably less than fair market value. Adding an apartment complex will exacerbate the situation further. (C. Donnelly, Commentator #32, Appendix A, email dated May 15, 2018, page 1)

**Response 3J-13:** *See Response to Comment 3J-4 regarding the property tax obligations for River Knoll in comparison with its existing underutilized condition.*

*See Response to Comment 3J-5 regarding the Applicant's active coordination with the Superintendent of OUFSD for the tax revenue generated by River Knoll to the school system as well as the increased additional voluntary payment of \$425,000 from the Applicant to the school system.*

### **Chapter 3K: Construction Impacts**

**Comment 3K-1:** A draft construction management plan required by the Scope should be provided in the FEIS. The information included in the DEIS does not provide the potential

best management practices and logistic plans in a construction management plan that would accomplish the goals described in the DEIS. The draft construction management plan should address all potential construction activities (including blasting), other rock removal activities and on-site rock processing and handling. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)

**Response 3K-1:**

*As stated in the DEIS Chapter 3.K, "Construction Impacts", the Proposed Project will have a construction schedule of approximately 18 to 21 months beginning with site preparation, and then followed by the demolition of the existing Stony Lodge Hospital buildings. Full build-out of the Proposed Project will occur over a single phase. The sequencing of trades will initially focus on project staging; demolition of the existing hospital buildings; excavation for the building footprint, roads and parking areas; and the commencement of foundation footings and walls. Subsequently the superstructure, mechanicals, interiors, and finishes will follow. Subsequent to the adoption of the Proposed Zoning, a detailed Construction Management Plan will be prepared to Town specifications as part of the site plan review process.*

*Logistic plans for constructions activities include Table 3.K-1 in the DEIS which provides a summary in tabular form of likely construction impacts phase. All construction activities will be conducted in compliance with existing regulations, including local day and hour construction limitations. Consistent with Section 130-6.C(1) of the Town Code, construction will only take place between the hours of 8:00 am and 8:00 pm Monday through Friday and occasionally between 9:00 am and 5:00 pm on Saturdays, Sundays, and holidays. Construction access will be via the existing site driveway off of Croton Dam Road. Construction will be sequenced in such a manner, so that, as areas are disturbed, they will immediately be protected with erosion and sediment controls. The number of workers on-site during construction will vary, but on average, 30 workers per day would be expected at the site. During the peak construction period, approximately 9 months, as many as 40 workers could be at the site.*

*For discussion of potential construction activities to include blasting, other rock removal activities, and on-site rock processing and handling based on the findings of the geotechnical investigation, see Response to Comment 3B-1. This will also be included in the detailed Construction Management Plan prepared for the Town.*

**Comment 3K-2:**

The FEIS should provide and discuss the specific guarantees to be utilized to ensure the correction of damage caused by construction, and the continued maintenance of facilities. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)

**Response 3K-2:**

*Per the Towns Code 168-12 "Performance Guarantees", the applicant will be responsible for paying for and or correcting and damage caused by construction as stated below:*

- A. *Construction completion guarantee will ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town in its approval of the stormwater pollution prevention plan, the Town may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit*

*from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined by the Town based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.*

*B. Maintenance guarantee Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs*

**Comment 3K-3:** A draft construction management plan should be provided and the practices and elements of the construction management plan that would mitigate impacts should be discussed. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)

**Response 3K-3:** See Response to Comments 3K-1 and 3K-2.

#### **Chapter 4: Adverse Environmental Impacts That Cannot Be Avoided**

NO COMMENTS RECEIVED.

#### **Chapter 5: Alternatives**

**Comment 5-1:** I got the sense that the developer isn't really interested in the alternatives. Also, the way they had presented them, there was a question as to whether or not this planning board would ever even approve them. Is there a way to see something that would be a more realistic alternative to what is being presented – if it were single family development, a bunch of single-family homes in the meadow area on Croton Dam Road. (M. Caruso, Commentator #17, Appendix A, transcript of Town Board Meeting, pages 43-44)

**Response 5-1:** *As required in the adopted scope for reviewing potentially adverse impacts, the Applicant designed, conceptually engineered, and analyzed the impacts of 11 different land use scenarios and site layouts. The 11 alternatives were designed*

*to meet the lot and bulk regulations of the particular zoning district and/or the constraints identified in the adopted scoping outline. Each alternative was graphically depicted and analyzed against each of the same impact categories required for the Proposed Project. In addition to the analysis in Chapter 5, a comparative summary was created in the Executive Summary, beginning on page 1-19.*

*In addition, the Town Board and the Planning Board requested an additional seven alternatives be developed with increased contiguous open space. These alternatives are presented in Chapter 1 and their impacts summarized in Chapter 2.*

**Comment 5-2:** The R-15 and R-5 clustered development alternatives in the DEIS use standardized lots. The R-15 and R-5 cluster alternatives should be more compact and realistic relative to what the Planning Board might mandate. These alternatives should be townhouse projects with buildings located in the area of the proposed 188-unit building, as opposed to the current sprawling single-family detached subdivision layouts which do not preserve the front meadow and other wide swaths of open space on the site. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)

**Response 5-2:** *As requested, revised alternatives for a clustered development in the R-15 and R-5 district have been prepared. They are presented in Chapters 1 and 2.*

**Comment 5-3:** The alternatives of an active-adult age-restricted project (i.e., 55 and older) and a more senior project (i.e., 62 or 65 and older) should be included in the FEIS. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6)

**Response 5-3:** Throughout the numerous DEIS/FEIS documents that have been submitted to the Planning Board, the Applicant has stated that River Knoll is being designed to appeal to an “empty nester” demographic (or cohort). More specifically, the concept for River Knoll is for an “age-targeted” community that will, first and foremost, appeal to an empty-nester. The Applicant has stated that this is a market positioning of new housing that is devoid both in the greater-Ossining marketplace and also the entire County of Westchester. This is in contrast to other multifamily buildings that are planned for the urban centers of White Plains, New Rochelle and the Hudson waterfront in Yonkers which are primarily focused on a millennial demographic. The Applicant has stated that an empty-nester age-targeted community has similar characteristics to a 55+ community because the age profile of this group typically begins in the early to mid-fifties and older. The Applicant has stated a preference to not prohibit other profiles such as those in transition (divorcees, people moving, etc.), younger professionals, and singles, in addition to empty nesters. The Applicant has reported that 55+ communities tend to be difficult to finance as lending institutions view them as risky housing types because of their restricted market (only 55+ ages) and much longer timeframes to reach full occupancy which cause increased carrying costs.

In the opinion of the Applicant, the characteristics of River Knoll that will be appealing to empty-nesters include its "green field" setting (versus a downtown urban location), its high level of amenity, the secured and well-lighted underground parking, its elevators, and the dog day-care facility. And congregate-style housing tends to be particularly appealing to an empty-nester, whose children are grown and independent, prefers having people within the community that they can readily socialize with.

**Comment 5-4:** Certain of the layouts have two project roadways intersecting with Croton Dam Road and others have one. In order to compare "apples to apples," and unless there is a good reason to do otherwise, all of the layouts should be the same as the proposed project in terms of vehicular access in the FEIS. (D. Stolman, M. Galante, and M. Timpone-Mohamed, Commentator #2, Appendix B, letter dated May 16, 2018, page 6-7)

**Response 5-4:** *As requested, revised alternatives have been prepared by the Applicant and their individual layouts are included in Chapter 1 of the FEIS.*

**Comment 5-5:** After last night's meeting about River Knoll, it is obvious residents are against the proposed development. I do hope the board recognizes this and does not proceed. What other options are there for developing the property which would protect the sewers, traffic, schools, and the peace of the neighborhoods? (J. Gelsi, Commentator #24, Appendix A, email dated April 5, 2018, page 1)

**Response 5-5:** *See Response to Comment 5-1.*

**Comment 5-6:** Would the single-family houses be allowed to be built on the total of the property including the green space and the wetlands as indicated in ALL of the drawings provided? (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 5-6:** *As noted in the DEIS, if the Project Site were developed with any of the Alternative uses evaluated, much of the proposed greenspace would be eliminated or at least significantly reduced. Redevelopment of this former institutional property by River Knoll will bring new residents to the Town who will provide additional economic activity through new demand for commercial services, restaurants, stores, health and medical services, and more.*

**Comment 5-7:** Would the Town Board allow use of green space and wetland use? (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 5-7:** *As previously stated, the large perimeter buffer will be placed in a Conservation Easement with an appropriate third-party entity. The details of the easement will be coordinated with the Town and the Village as a condition of site plan approval.*

**Comment 5-8:** The smaller 150-apartment alternative is shown as a negative impact to the property. It is the same, centralized shape and design as the proposed 188 units,

which is 38 units (20%) less. How can a lesser size complex have a negative impact that a larger sized complex? It should have at least a 20% lesser impact. (W. M. Pool Owens, Commentator #30, Appendix A, email dated May 14, 2018, page 3)

**Response 5-8:** *Per the DEIS, each Alternative presented detailed analyses to determine the presence or absence of significant adverse impacts across various technical areas in accordance with SEQRA and its implementing regulations (6 NYCRR Part 617). Alternative Ea consists of 150 dwelling units in one building with a similar configuration as River Knoll and would result in significantly greater vegetation and wildlife disturbances than River Knoll. Since this alternative would locate a stormwater basin within the on-site herbaceous wetland to ultimately disturb the wetland and wetland buffer, it would present a negative impact to natural resources whereas River Knoll would not disturb the wetland.*

**Comment 5-9:** Provide a more realistic design of Alternative B (Cluster Development under R-15 zoning) and Alternative D (Cluster Development under R-5 zoning) utilizing clustering principles in order to preserve more open space. For instance, providing a more compact design with townhomes at the top of the hill. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 5-9:** *As requested, eight revised cluster alternatives have been prepared and are presented in Chapters 1 and 2 of the FEIS to include a comparison table of the various analyses areas in order to assess the potential benefits or adverse impacts associated with each design.*

**Comment 5-10:** Explore the feasibility of a potential use of the proposed development as an exclusively 55 and over community. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 5-10:** *While it would be feasible to create an exclusive 55+ River Knoll community, it would severely restrict the market area, increase the length of time for occupancy, and would increase holding and operation costs. As previously stated, River Knoll is being designed for a market dominated by young professionals and empty nesters. It is this market that studies show there is a pent-up demand for highly amenitized luxury rental units. See also Response to Comment 5-3.*

**Comment 5-11:** Alternatives E and F each contemplate two different options. However, they are each only represented by one column in the Alternatives chart. Each different design for Alternatives E (E.a and E.b) and F (F.a and F.b) should have their own column so that the potential benefits/impacts associated with each design can be properly assessed. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

**Response 5-11:** *See Response to Comment 5-9.*

**Comment 5-12:** At the Town Hall meeting Mr. Vetromile indicated that because of the costs associated with all of the high-end amenities being proposed as part of the project,

if there was a reduction in the number of units it would impact the Applicant's ability to provide the community benefits proposed for the project – specifically, traffic infrastructure improvements and a \$350,000 contribution to the School District. The Applicant should explore an alternative where there are fewer amenities so as to allow for some community benefits under Alternatives E and F and discuss what those community benefits would be. (D. Levenberg, Commentator #3, Appendix A, letter dated June 6, 2018, page 2)

Response 5-12:

*The Applicant has indicated that because of costs associated with the project, if there was a reduction in the number of units it would impact the Applicant's ability to provide the proposed amenities the mitigation measures associated with the environmental impact of the project – specifically, traffic infrastructure improvements and the increase contribution to the School District from \$350,000 to \$425,000.*

*The Applicant has explained that the “extraordinary costs” to build and market River Knoll can be loosely placed into two categories: (a) those extraordinary project costs necessary to attract the target demographic necessary to market the Proposed Project, and (b) various “exactions” – either on-site or off-site.*

*Extraordinary Project Costs - The design of River Knoll involves a complex set of programming and design considerations necessary to attract the contemplated market that River Knoll is seeking to appeal to. Some of the more salient requirements are secured and well-lighted garage parking, elevator access, a high level of amenities (i.e. fitness center, yoga studio, dog spa, function rooms), outdoor pool, thoughtful landscaping including a central courtyard with a “Zen Garden”, costly Adirondack architecture, and individual units with wood flooring, stainless appliances, washer/dryer, and many other premium features. In addition, there are staff operating costs to manage these amenities. If amenities are removed from the project, the market perception begins to shift whereby it can become viewed as a more modest quality project and, in turn, market demand and rental rates suffer. As rental rates are lowered, so is the market value of the project. The spectacular topography of the Stony Lodge Hospital site provides a rare opportunity to build a beautiful building and it would be a wasted opportunity to build a less than exceptional structure. The surrounding community of homes will benefit from the up-scale market perception of River Knoll project and market values will strengthen.*

*On-Site Exactions – River Knoll will be burdened with costs not directly tied to the construction and marketing of the building. The obvious ones include the project's need to comply with the Town's requirement to provide seventeen (17) affordable units which operate at a significant deficit relative to the cost to build these units. Their operating deficit must be subsidized by the market rate units and, very roughly, it takes two or more market-rate units to support the deficit caused by the below-market rate unit.*

*Off-Site Exactions – River Knoll has undertaken (independently and with no request by the Town) to work with NYSDOT to improve the intersection of Route 9A and Croton Dam Road. The undertaking is time-consuming and very expensive and will cost the project upward of \$1.0 million to design, process and construct. Additionally, the applicant will continue to cooperate with the OUFSD Superintendent, his staff and members of the School Board (once again independently and with no request from the Town or District). An example of the cooperation the applicant has exhibited is an agreement which is shown in*

*Appendix D, to make direct mitigating payments which the District will use to improve and/or expand classrooms or other facilities.*

*It should also be noted that reducing the number of units would result in a reduced assessed value of the project which would, in turn, reduce the positive fiscal impacts from the project. Furthermore, reducing the number units would only minimally reduce the number of school children generated. In light of the projected growth of the district, irrespective of the construction of this development, the small reduction of school age children would not offset the other positive fiscal benefits and the loss of the other benefits offered by the applicant.*

**Chapter 6: Irreversible and Irretrievable Commitment of Resources**

NO COMMENTS RECEIVED.

**Chapter 7: Growth Inducing Impacts**

NO COMMENTS RECEIVED.

**Chapter 8: Effects on the Use and Conservation of Energy Resources and Solid Waste Management**

NO COMMENTS RECEIVED.