



MEMORANDUM

**TO:** Gareth Hougham, Chairman and the Town of Ossining Planning Board

**FROM:** Valerie Monastra, AICP

**CC:** John Hamilton, Town of Ossining Building Inspector  
Dan Clarcia, PE, Town of Ossining Planning Board Engineer  
Kathy Zalantis, Esq., Town of Ossining Planning Board Attorney

**DATE:** April 4, 2022

**RE:** River Knoll Completeness Review Final Comments

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As per Section 617.9(a) of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), the purpose of this memorandum is to assist the Lead Agency in determining whether the DEIS for the above-captioned project is complete. Specifically, the Lead Agency is required to use the final written scope and the standards set forth in 617.9 of the regulations to determine whether to accept the draft EIS as adequate, with respect to its scope and content for the purpose of commencing public review. Once the DEIS is accepted as adequate for public review, additional substantive comments will be made regarding the impacts and mitigation measures set forth in the document.

Based on the comments set forth in this memorandum, it is recommended that the Lead Agency deem the Draft Supplemental Environmental Impact Statement dated March 2022 incomplete, at this time.



We offer the specific comments on completeness below, organized by chapter and page number of the DEIS:

Scope		Included?	Page number	Complete	Notes
Cover Sheet	Title of the Document	Yes	i	Yes	
	Title of the Proposed Action	Yes	i	Yes	
	The Location of the Proposed Action	Yes	i	Yes	
	Name, address, telephone number, and contact person for: A. The Lead Agency B. The applicant C. The preparer(s) of the SDEIS	Yes	i	Yes	
	Date of acceptance of the SDEIS	Yes	i	Yes	Actual dates to be inserted
	SDEIS public hearing date	Yes	i	Yes	Actual dates to be inserted
	End of the SDEIS comment period	Yes	i	Yes	Actual dates to be inserted
Table of Contents	Must list all chapters in Scope	Yes	iv to xi	No	A, C, E, and F of the Technical Appendices are not listed.
Chapter I	Executive Summary	Yes	I-1 to I-39	Yes	
Chapter II: PROJECT HISTORY AND PROPOSED PROJECT DESCRIPTION	A. Introduction		II-1 to II-3		
	1. Overall Project History	Yes		Yes	
	2. Description of the location, frontage, access, acreage, ownership and tax map designation of lot(s) involved in the Proposed Project, including the proposed future disposition of the portion of the subject property in the Village of Ossining. This should also include descriptions of surrounding properties including those in the Village of Ossining.	Yes		Yes	
	3. Provide a description of the Former Project development program.	Yes		Yes	
	B. Description of Proposed Project				
	1. Regulations and requirements of the site's existing and proposed zoning designations.	Yes	II-7 to II-8	No	Page II-7-II-8: Expand and identify what variances may be required. "If required, waivers or variances from certain other dimensional requirements of the zone will be requested." The draft DEIS dated March 2022 "It is not known if any waivers or variances from certain other dimensional requirements of the zone will be requested because at this stage the plans have not been finalized because changes may occur during the SEQRA review process." The variances and waivers for the Proposed Action can and should be identified.
	2. Description of Environmental Characteristics of the Site	Yes		Yes	

Scope		Included?	Page number	Complete	Notes
	3. Describe components of the Proposed Project, including items such as potential number of market-rate and affordable dwelling units respectively, size and number of bedrooms of market-rate and affordable dwelling units respectively, amount of open space, total number of parking spaces required and provided, and nature and amount of other Proposed Project components.	Yes		Yes	
	4. Vehicular access and circulation of the Proposed Project.	Yes		Yes	
	5. Other components of Proposed Project including vegetated buffers, street trees, landscaping, lighting, roadways, sidewalks, recreation, public pedestrian access connections, and other amenities, etc.	Yes		Yes	
	6. Plans for maintenance of the common elements of the Proposed Project including roads, utilities and passive open space.	Yes		Yes	
	7. Plans and a timeline for ongoing maintenance of all proposed mitigation for the Proposed Project.	Yes		Yes	
	8. Regulations and requirements of the site's existing and proposed zoning designations.	Yes		Yes	
	9. Describe the Project purpose and public need and benefits.	Yes		Yes	
	10. Summarize required approvals and provide a list of Involved and Interested Agencies.	Yes		Yes	
	A. Land Use, Comprehensive Plan, Zoning and Community Character				
	1. Former Project	Yes		Yes	
Chapter III: EXISTING CONDITIONS, POTENTIAL IMPACTS AND PROPOSED MITIGATION	2. Proposed Project	Yes	III.A-3 to III.A-20	No	<ul style="list-style-type: none"><li>• No comparison was made to the surrounding neighborhoods and no visual analysis was prepared of the potential visual impacts of the proposed project from various vantage point on the surrounding neighborhoods and Hudson River. A reference is made to a visual analysis study in the appendix, but none was provided.</li><li>• This section does not discuss the Westchester County 2019 Housing Needs Assessment. The March 2022 draft DSEIS discusses the Westchester County 2019 Housing Needs Assessment but does not specifically discuss the Town of Ossining.</li><li>• Additional explanation on how the project aligns with the current Comprehensive Plan is needed. A draft of the plan is now available.</li><li>• More information is needed to complete the discussion of any possible relevance of spot zoning to the proposed project.</li><li>• Renderings were provided, but no elevations.</li><li>• Page III.A-7: Provide that the following conclusion is Applicant's opinion "Therefore, it is the Applicant's intent to provide extensive on-site recreational opportunities so there will be little recreational impacts associated with the Proposed Project."</li></ul>
	3. Mitigation	Yes	III.A-20	No	This seems extremely brief. Renderings were provided but no elevations. Areas to be preserved have not been identified on the layout plan.

Scope	Included?	Page number	Complete	Notes
<b>B. Wetlands</b>				
1. Former Project	Yes		Yes	
2. Proposed Project	Yes	III.B-2 to III.B-3	No	• This section does not discuss potential new disturbance to water courses and watercourse buffers as a result of the proposed project, including a new analysis of any impact to vegetative cover of the proposed project.
3. Mitigation	Yes		Yes	
<b>C. Soils, Topography, (Steep Slopes) and Geology</b>				
1. Former Project	Yes		Yes	
2. Proposed Project	Yes		Yes	• Provide additional information on the proposed retaining walls including location, length, height, and materials. The March 2022 draft only refers to the Grading Plan and does not provide the information in the text. • Page III.C-5 provides that there will be 10% disturbance of areas of extremely steep slope. Provide further identification of such areas given the Code only allows disturbance of such areas with respect to ingress and egress and is subject to certain requirements (see Town Code § 167-5(B)(2)).
3. Mitigation	Yes	III.C- -10	No	• Wetland protection and the prevention of problematic runoff to existing adjacent homes are discussed, however, they are not discussed "thoroughly and adequately" as the scope requires.
<b>D. Stormwater Management and Subsurface Water</b>				
1. Former Project	Yes		Yes	
2. Proposed Project	Yes		Yes	
3. Mitigation	Yes		Yes	
<b>E. Vegetation and Wildlife</b>				
1. Former Project	Yes		Yes	
2. Proposed Project	Yes		Yes	• This section did not discuss compliance with the Town's Tree law.
3. Mitigation	Yes		Yes	
<b>F. Historical and Archaeological Resources</b>				
1. Former Project	Yes		Yes	
2. Proposed Project	Yes		Yes	
3. Mitigation	Yes		Yes	
<b>G. Infrastructure and Utilities</b>				
1. Former Project	Yes		Yes	
2. Proposed Project	Yes		Yes	
3. Mitigation	Yes		Yes	
<b>H. Traffic and Transportation</b>				See Traffic Engineer's comments

Scope		Included?	Page number	Complete	Notes
	1. Former Project	Yes		Yes	
	2. Proposed Project	Yes		Yes	
	I. Community Facilities				
	1. Former Project	Yes		Yes	
	2. Proposed Project	Yes		Yes	
	3. Mitigation	Yes		Yes	
	J. Fiscal Impacts				
	1. Former Project	Yes		Yes	
	2. Proposed Project	Yes	III.J-2 to III.J-12	No	This section does not include examples of student generation in other comparable 55+ developments.
	3. Mitigation	Yes	III.J-13	No	This section does not include a discussion on the proposed contribution to the Ossining School District as identified in the 2018 FEIS.
	K. Construction Impacts				
	1. Former Project	Yes		Yes	
	2. Proposed Project	Yes		Yes	
	3. Mitigation	Yes		Yes	
CHAPTER IV: ADVERSE ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED	Describe the short- and long-term adverse environmental impacts that cannot be avoided or adequately mitigated if the Proposed Action is implemented.	Yes		Yes	
CHAPTER V: ALTERNATIVES	General Comment on all Alternatives			No	<p>Section 167-5(B) prohibits disturbance of extremely steep slopes without a waiver from the Planning Board and demonstration by the applicant of certain conditions. If the project proposes to disturb extremely steep slopes, the Alternative should be modified, or a waiver should be requested along with demonstration that the project meets the conditions outlined in Section 167-5(B).</p> <p>Page V-11: (discussing the R-15 conventional layout analysis) Has there been an adjustment for the steep slopes in calculating the number of lots? There is not similar language as in the discussion involving the concept layout (see V-19 – “The concept layout for this alternative recognizes areas of steep slope and is adjusted per the Town’s steep slopes regulations to ensure each lot has sufficient buildable area and minimizes impacts to slopes to the maximum extent practicable.”). If similar adjustment has been made, this should be acknowledged in this section and if not, this needs to be addressed. While the text of the March 2022 draft</p>

Scope	Included?	Page number	Complete	Notes
				DSEIS was updated, the layout was not updated to conform to the steep slope requirements of Section 167-5(B). Page V-20-21: (discussing conventional layout which meets all the requirements of the R-15 zoning district) same comment as above. While the text of the March 2022 draft DSEIS was updated, the layout was not updated to conform to the steep slope requirements of Section 167-5(B).
A. The Former Project	Yes	V-1 to V-10	No	See above
B. Conventional layout which meets all of the requirements of the R-15 zoning district, the balance of the Zoning Law, and the various chapters of the Town Code, and which respects the site's environmental constraints.	Yes	V-11 to V-16	No	<ul style="list-style-type: none"> <li>Please confirm that this Alternative conforms to Section 176-18(F)(1) of the Subdivision chapter and Chapter 105, Freshwater Wetlands, Watercourses, and Water Body Protection. If not, please amend the layout to meet this regulation. While the text of the March 2022 draft DSEIS was updated, the layout was not updated to conform to the requirements of this section.</li> </ul>
C. Clustered development based upon R-15 conventional layout density.	Yes	V-17 to V-21	No	<ul style="list-style-type: none"> <li>Please confirm that this Alternative conforms to Section 176-18(F)(1) of the Subdivision chapter and Chapter 105, Freshwater Wetlands, Watercourses, and Water Body Protection. If not, please amend the layout to meet this regulation. While the text of the March 2022 draft DSEIS was updated, the layout was not updated to conform to the requirements of this section. The Alternative is supposed to analyze a clustered development based upon the R-15 conventional layout density (Alternative B). This was not done.</li> </ul>
D. Conventional layout which meets all of the requirements of the R-5 zoning district, the balance of the Zoning Law, and the various chapters of the Town Code, and which respects the site's environmental constraints.	Yes	V-22 to V-26	Yes	<ul style="list-style-type: none"> <li>It was agreed by the Planning Board that this Alternative could remain as analyzed but the DEIS should note those deductions have not been applied.</li> </ul>
E. No Action alternative. The No Action alternative discussion should evaluate the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the Proposed Action.	Yes		Yes	
CHAPTER VI: IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES	Identify natural resources that would be consumed, converted or made unavailable for future use by the Proposed Project.	Yes	Yes	
CHAPTER VII: GROWTH-INDUCING IMPACTS	The potential for the Proposed Project to induce growth based on anticipated increases in local expenditures that would be made by new residents of the proposed community through the local purchases of goods and services should be discussed.	Yes	Yes	

Scope		Included?	Page number	Complete	Notes
CHAPTER VIII: EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES AND SOLID WASTE MANAGEMENT	The energy sources to be used, anticipated levels of consumption, efficiency of energy consumption, and energy conservation measures are to be identified and discussed. The discussion is to include the standards of the NYS Energy Code and the NYS Energy Research and Development Authority Programs. The management of solid waste and recycling produced by the Proposed Project shall also be discussed. The SDEIS will analyze the potential and feasibility for the use of alternative energy resources for heating, cooling and power, including the use of solar energy.	Yes		Yes	
TECHNICAL APPENDICES SHALL INCLUDE (BUT NOT NECESSARILY BE LIMITED TO)	A. Any updated Natural Resource Studies (including wetlands, vegetation, soils, all animals including fish, terrestrial and aquatic macroinvertebrates, birds, amphibians, reptiles, etc.) B. Storm Water Pollution Prevention Plan C. Water and Sewer System Report(s) D. Traffic Study E. Construction Management Plan F. All SEQRA Documentation (for example, Scoping Outline) G. All official correspondence related to issues discussed in the SDEIS	Yes		No	The following items are missing: - Water and Sewer System Report(s) - All SEQRA Documentation