



SUSANNE DONNELLY
TOWN CLERK

TOWN OF OSSINING MUNICIPAL BUILDING

16 Croton Ave
Ossining, NY 10562
Phone (914) 762-8428

Resolution – Local Law # 1 of 2024 – 40 Croton Dam Road Zoning Petition

WHEREAS, by Petition dated November 7, 2023, Stony Lodge Hospital, Inc., the owner of the 17.89-acre property located at 40 Croton Dam Road in the unincorporated Town of Ossining (the “Property”), submitted a petition to the Town Board seeking to rezone the Property from the R-15 zoning district to the MF zoning district (the “Zoning Petition”) for the purpose of constructing a 96-unit townhome condominium development that would be age-restricted to 55 and over under the federal Housing for Older Persons Act (the “Proposed Project”); and

WHEREAS, the Town Board adopted a resolution on February 27, 2024 (i) adopting the Findings Statement prepared by the Planning Board as lead agency under the State Environmental Quality Review Act and (ii) adopting Local Law # 1 of 2024 approving the Zoning Petition subject to certain conditions (the “February 27 Resolution”); and

WHEREAS, the Town Board recognizes that the Property, which is private property not owned by the Town, will be redeveloped and as determined in the Findings Statement, in totality, the Proposed Project is the least impactful use that will:

- maintain open space,
- result in minimal additional traffic,
- provide much needed housing in the community (which is encouraged by the County and State for grant eligibility), and
- generate considerable net-positive tax revenue for the Town’s taxing jurisdictions given the Property was previously a psychiatric hospital, is currently vacant and the Proposed Project will not add any school-aged children as no one under 19 will be permitted to live there full-time; and

WHEREAS, prior to the Town Board’s vote on the February 27 Resolution, members of the public and the Town Board raised concerns with respect to (i) the views of the Proposed Project from neighboring properties; (ii) the marketability of the Proposed Project and (iii) the ability of residents to age in place given it is a 55 and over development and some of the units are proposed to be three stories; and

WHEREAS, the Town Board desires to readopt and reaffirm the February 27 Resolution with additional conditions to address these concerns; and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby readopts and reaffirms the February 27 Resolution and incorporates it herein in its entirety; and

BE IT FURTHER RESOLVED, the Town Board hereby adds the following conditions to the February 27 Resolution:

1. The units along the perimeter of the Proposed Project shall be restricted to being a maximum of two-stories or 28 feet, whichever is less, walk-in units;
2. The Proposed Project shall include landscaping that provides year-round screening along the boundary of the Property abutting First and Second Avenues and Grandview Avenue, to the satisfaction of the Planning Board, the Town’s Planner and the Town’s environmental consultant as part of the Planning Board’s site plan review; and

3. For all three-story units included in the Proposed Project, elevators shall be installed at the time of initial construction to ensure the ability of the residents to age in place in the units; and

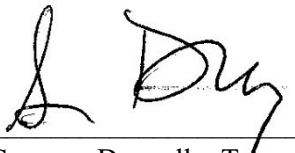
BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the Town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

STATE OF NEW YORK (
COUNTY OF WESTCHESTER (ss
TOWN OF OSSINING (

I, Susanne Donnelly, Town Clerk of the Town of Ossining, Westchester County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board at a meeting held on the 12th day of March, 2024 and that the foregoing is a true and correct copy of the original thereof. I DO FURTHER CERTIFY that Supervisor Elizabeth Feldman and Councilmembers Angelo A. Manicchio, Gregory G. Meyer, Jennifer Fields-Tawil and Matthew J. Weiss were present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF OSSINING THIS 13th day of March, 2024.

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Susanne Donnelly, Town Clerk



SUSANNE DONNELLY
TOWN CLERK

TOWN OF OSSINING

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WHEREAS, by Petition dated November 7, 2023, Stony Lodge Hospital, Inc., the owner of the 17.89-acre property located at 40 Croton Dam Road in the unincorporated Town of Ossining (the “Property”), submitted a petition to the Town Board seeking to rezone the Property from the R-15 zoning district to the MF zoning district (the “Zoning Petition”); and

WHEREAS, the Property was formerly the Stony Lodge Hospital, which operated a child and adolescent psychiatric hospital as a legal, nonconforming use until it ceased operations in or about 2012; and

WHEREAS, the Zoning Petition relates to the proposed multi-family residential redevelopment of the Property that has been before the Town since 2014; and

WHEREAS, the Town of Ossining Planning Board (“Planning Board”) has served as lead agency pursuant to the State Environmental Quality Review Act (“SEQRA”) for a coordinated review of the proposed redevelopment; and

WHEREAS, the initial proposal was for a 188-unit multi-family rental development in one building, which resulted in environmental concerns being raised by the Town Board and the public, particularly related to traffic, impacts on the school district from increased enrollment, and zoning impacts because the 188-unit proposal contemplated the creation of a new MF-2 zoning district that could potentially be applied to other parcels in the Town; and

WHEREAS, after the Planning Board held a public hearing on the Draft Environmental Impact Statement (“DEIS”) for the 188-unit proposal and the applicant’s authorized representatives began preparing the Final Environmental Impact Statement, in 2020 the project was redesigned to address these environmental concerns by proposing a 96-unit townhome condominium development that would be age-restricted to 55 and over under the federal Housing for Older Persons Act and would implement the Town’s existing MF zoning district that has already been applied to other larger parcels in the Town thus eliminating the request for the Town to create a new multi-family zoning district (the “Proposed Project”); and

WHEREAS, pursuant to the Town Code, the Proposed Project must provide ten below-market housing units at a rate of 60% of area median income – a substantial reduction in price that will create additional affordable housing not generally available in the Town; and

WHEREAS, the Planning Board required a new scoping process for the supplement environmental impact statement for the Proposed Project; and

WHEREAS, the applicant’s authorized representatives prepared a Supplemental Draft Environmental Impact Statement (“SDEIS”), which was the subject of a public hearing for the Planning Board to receive public comments and the Town Board also held work sessions in the summer of 2022 to discuss the SDEIS and provided comments to the Planning Board based upon those discussions; and

WHEREAS, the SDEIS explored a range of alternatives and concluded the Proposed Project would result in less potential environmental impacts to traffic, wetlands, steep slopes, open space, schools and site disturbance than if the Property was developed with single-family residential homes; and

WHEREAS, the comments on the SDEIS were responded to in the Supplemental Final Environmental Impact Statement (“FSEIS”), which included revised plans including:

- Reducing the heights of the buildings and the retaining walls,
- Increasing the setbacks from neighboring property lines,
- Installing landscaping between the retaining walls,
- Spreading the ten below-market rate units throughout the development, and
- Providing a greater range of price points for the market-rate units with the addition of 20 “stacker” units; and

WHEREAS, the Planning Board adopted the SFEIS at its August 16, 2023 meeting; and

WHEREAS, the applicant’s authorized representative attended a Town Board work session on September 19, 2023 to discuss the Proposed Project; and

WHEREAS, at its October 18, 2023 meeting, the Planning Board adopted the SEQRA Findings Statement, which allows the Town Board to consider the Zoning Petition; and

WHEREAS, the Findings Statement noted that currently the Property generates \$75,628 to the Town-wide, unincorporated Town, ambulance district, refuse, light, fire Town-wide water district, Ossining school district and library taxes, and while the Proposed Project is not anticipated to have significant impacts on these services, particularly schools since the development will be age-restricted and will not allow anyone under 19 to live there full-time, the Proposed Project will generate approximately \$875,722 in taxes, resulting in an annual net increase in revenue to the Town’s taxing jurisdictions of \$800,094; and

WHEREAS, the Zoning Petition was referred to the Westchester County Planning Board pursuant to General Municipal Law § 239-l, -m and -n and the Commissioner of the Westchester County Planning Board provided a response dated December 11, 2023 stating “[t]he concept of redeveloping a former hospital site with new multifamily housing is generally consistent with the County Planning Board’s long-range planning policies”, but raised concerns about the age-restriction on the units; and

WHEREAS, the Town Board cannot modify the age-restriction on the units because the Planning Board considered that as part of the SEQRA review in determining there would not be any adverse impacts to the school district from the proposed project, and the impacts on the school district were one of the primary concerns the Town Board had in 2019 that resulted in the design being changed to an age-restricted development; and

WHEREAS, the State is incentivizing the creation of housing and has advised that municipalities may not be eligible for certain grants if they do not provide additional housing at certain levels on a regular basis; and

WHEREAS, the Proposed Project is consistent with the Comprehensive Plan in that (1) it will include water system improvements that will further improve the function and reliability of the water system in the vicinity of the Property, (2) it will provide a range of housing that is diverse in both type and affordability, (3) it will be designed to meet or exceed the New York State Energy Conservation Code, (4) it will improve walkability in the area by creating an emergency access roadway that pedestrians and cyclists can use, and (5) it will bring the Property into greater conformity with the residential neighborhood by (i) constructing structures at a height that align with the adjacent properties, (ii) constructing a residential development at a density that is comparable to the lot sizes on the neighboring Village parcels and (iii) bringing this unique Property – that is much larger in size than the neighboring parcels – back to a residential use where it is historically been used for hospital purposes; and

WHEREAS, a protest petition was submitted on November 28, 2023 by Valerio Santucci, Michella Santucci, Yellow Cove Corp, Valerie Schemmer, Louis Rinaldi, Maria Rosa, Tony Santucci, Raymond Santucci and Ashley Santucci (“Protest Petition”) under Town Law § 265, which law requires that if the petition is validly signed by the owners of (i) twenty percent or more of the area of land immediately adjacent to the Property, extending one hundred feet or (ii) twenty percent or more of the area of land directly opposite the Property, extending one hundred feet from the street frontage opposite the Property, then the adoption of the zoning amendment would require a super-majority vote; and

WHEREAS, if necessary based upon the vote on this resolution, the Town Board will address the Protest Petition at a subsequent meeting; and

WHEREAS, the Town Board members conducted site visits to familiarize themselves with the Property and the Proposed Project; and

WHEREAS, the Town Board held three public hearings on the Zoning Petition on November 28, 2023, December 12, 2023 and January 9, 2024, during which time the Town Board also received written comments, and members of the public having the opportunity to attend and be heard, the public hearing was closed on January 9, 2024; and

WHEREAS, at the Town Board's request, the Town Board's attorney and the Town's planner prepared a memorandum dated December 8, 2023 and attended a Town Board work session on February 6, 2024 to address the comments raised during the public hearing period based upon the Planning Board's review and determinations during the SEQRA process; and

WHEREAS, said local law to adopt the Zoning Petition has been on the desks of the members of the Town Board for at least seven days, exclusive of Sunday, prior to the adoption of this resolution, and

NOW THEREFORE,

BE IT RESOLVED, the Town Board hereby adopts the Findings Statement adopted by the Planning Board on October 18, 2023 in its entirety; and

BE IT FURTHER RESOLVED, the Town Board, hereby adopts Local Law # 1 of 2024 subject to the following:

- The MF zone shall only be applied to the Property for the Proposed Project as set forth in the SFEIS adopted by the Planning Board on August 16, 2023 and the Findings Statement adopted by the Planning Board on October 18, 2023 (and adopted by the Town Board as part of this resolution). The Zoning Map shall be amended concurrently with the issuance of the first Certificate of Occupancy by the Building Inspector for the Proposed Project. The MF zone does not apply to the Property for anything other than the Proposed Project, which went through a comprehensive SEQRA review process based upon the Proposed Project, and which is what allows the Town Board to legally take action on this application. If the Proposed Project does not go forward, the Property will remain R-15.
- The applicant shall record a declaration against the Property with the Westchester County Clerk, in a form satisfactory to the Town's attorney, designating the ten units as below-market rate in accordance with the Town Code.
- In addition to complying with the requirements of HOPA, the applicant shall record a declaration against the Property with the Westchester County Clerk, in a form satisfactory to the Town's attorney, that in perpetuity the townhome units will not be sold to anyone who is under the age of 55.

BE IT FURTHER RESOLVED, the Town Clerk is directed to enter said local law in the minutes of this meeting into the local law book for the Town of Ossining; to publish said minutes in a newspaper published in the town, if any, or in such newspaper published in the county in which such town may be located having a circulation in such town, and affidavits of said publication shall be filed with the Town Clerk; and to file a copy of said local law with the Secretary of State of New York.

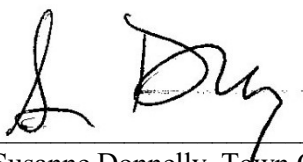
STATE OF NEW YORK (
COUNTY OF WESTCHESTER (ss
TOWN OF OSSINING (

I, Susanne Donnelly, Town Clerk of the Town of Ossining, Westchester County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board at a meeting held on the 27th day of February, 2024 and that the foregoing is a true and correct copy of the original thereof. I DO FURTHER CERTIFY that Supervisor Elizabeth Feldman and

Councilmembers Angelo A. Manicchio, Gregory G. Meyer, Jennifer Fields-Tawil and Matthew J. Weiss were present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF OSSINING THIS 28th day of February, 2024.

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Susanne Donnelly, Town Clerk

River Knoll

State Environmental Quality Review Act Findings

**40 Croton Dam Road
Ossining, New York**

Town of Ossining
Planning Board
101 Route 9A, Ossining, New York
(914)762-8419

Date Adopted: October 18, 2023

1. SUMMARY AND INTRODUCTION

This Statement of Findings is issued by Town of Ossining Planning Board pursuant to the State Environmental Quality Review Act (“SEQRA”), N.Y. Environmental Conservation Law Article 8, and its implementing regulations codified at Title 6 of the New York Code of Rules and Regulations Part 617 (the “SEQRA Regulations”) with respect to the River Knoll project (“Proposed Project”) proposed to be located on 40 Croton Dam Road in Ossining, New York (the “Project Site”) and related actions after consideration of the Final Supplemental Environmental Impact Statement approved on August 16, 2023 (the “SFEIS”). The Project and the related actions are collectively referred to as the “Proposed Action.” Town of Ossining Planning Board is the Lead Agency for the Proposed Action under SEQRA.

The Draft Supplemental Environmental Impact Statement accepted on June 15, 2022 (the “SDEIS”) and the FEIS are incorporated herein by reference.

2. PROCEDURAL HISTORY

The chronology of the SEQRA review process is as follows:

5/27/16-8/1/18	Lead Agency Declared/Positive Declaration Issued, DEIS, and FEIS of original project and zoning petition
3/3/21	Draft Scope Adopted (for SDEIS)
4/7/21	Public Scoping Session Held on Draft Scope (for SDEIS)
4/9/21	Public Comment Period Closed on Draft Scope (for SDEIS)
4/22/21	Final Scope Adopted (for SDEIS)
6/15/22	SDEIS Accepted as Adequate and Complete for Public Review
7/20/22	Public Hearing Held on SDEIS
9/6/22	Public Comment Accepted on SDEIS
8/16/23	SFEIS Accepted as Complete

3. PROJECT DESCRIPTION

Proposed Action

The River Knoll project is programmed and designed to appeal to an older audience that seeks to downsize from a larger home. The River Knoll project comprises 86 market-rate and 10 affordable for-sale condominium or PUD (Planned Unit Development) townhouse units (“Proposed Project”). All 96 units would be age-restricted units pursuant to the Housing for Older Persons Act (“HOPA”). Ten affordable units are mandated by Article VI of the Town of Ossining’s Zoning chapter of the Town Code. The Proposed Project would provide a new and upscale housing community for residents age 55+ who wish to remain in Ossining and the Hudson Valley region.

Approximately 11.4 acres (495,457 square feet) of undeveloped permanent open space would be provided.

In response to comments received on the SDEIS, the Applicant Hudson Park Ossining, LLC (the “Applicant” or “Project Sponsor”) modified the SDEIS plan as described below.

One additional unit, for a total of 96, has been added to the SFEIS Plan versus the SDEIS Plan. The Planning Board raised concerns with the heights of the proposed townhouses and retaining walls adjacent to First and Second Avenues, which were discussed in the SDEIS. As such, the Applicant substantially redesigned this area by reducing the number of units from thirty-two (32) to ten (10) units. Additionally, the newly designed units are a full story lower in height, the setbacks from the adjoining property line have been increased, the retaining walls have been reduced in height to approximately 8 feet at their highest. Additionally, the walls would be fully landscaped with native ornamental shrubs and grasses such as Northern Bayberry, Elderberry, Big Bluestem and Indian Grass, which would be added between the two wall tiers, as well as at the top of the wall. Large trees would not be planted in these zones in order to preserve the geo-grid necessary to fortify the proposed walls. Larger deciduous and evergreen trees such as Red Maple, Red Oak, Eastern Red Cedar, Western Red Cedar, and American Holly would be planted between the buildings at the top of the wall and outside the geo-grid zone behind the walls where appropriate. Access would be provided between the two wall tiers for maintenance purposes. Additionally, the walls would be fully landscaped with ornamental grasses and plantings.

In addition, the ten affordable units provided have now been spread throughout the Project site in three locations and fully mixed within the market-rate units. Their sizing would be roughly 1,400 square feet for a two- bedroom unit and 1,700 square feet for a three-bedroom unit.

A greater range of price points for the proposed market rate units has been provided with the addition of 20 “stacker” units in addition to the 10 affordable stacker units provided in the SDEIS Plan. These market rate units would provide a greater spread of unit pricing within the Project.

Table 1 shows the general sizing of all units including the ten affordable units. The affordable units are situated as “stacker units” which are two interlocking units with attached one-car garage for each unit.

Table 1 Unit Comparison Table

<u>Unit Type</u>	<u>Description</u>	<u># Units</u>	<u>Mix</u>	<u>Unit S.F.</u>	<u>Pricing Anticipated in 2023</u>
<u>Market Rate Units</u>					
<u>Stacker</u>	<u>2 BR / 2.5 BA</u>	<u>20</u>	<u>20.8 %</u>	<u>1,200</u>	<u>\$450,000</u>
<u>Town House</u>	<u>2 BR+ / 2.5 BA</u>	<u>41</u>	<u>42.7 %</u>	<u>1,510</u>	<u>\$675,000</u>
<u>Town House</u>	<u>3 BR+ / 3.5 BA</u>	<u>15</u>	<u>15.6 %</u>	<u>1,745</u>	<u>\$778,000</u>
<u>Town House Rear</u>	<u>3 BR+ / 3.5 BA</u>	<u>10</u>	<u>10.4 %</u>	<u>1,950</u>	<u>\$878,000</u>
<u>Market Rate Units Subtotal</u>		<u>86</u>	<u>90.0 %</u>	<u>1,530</u>	<u>\$664,244</u>
<u>Affordable Units (10%)</u>					
<u>Stacker</u>	<u>2 BR / 2 BA</u>	<u>7</u>	<u>7.3%</u>	<u>1,150</u>	<u>\$285,000</u>
<u>Stacker</u>	<u>3 BR / 2 BA</u>	<u>3</u>	<u>3.1%</u>	<u>1,350</u>	<u>\$395,000</u>
<u>Affordable Units Subtotal</u>		<u>10</u>	<u>10.0 %</u>	<u>1,210</u>	<u>\$318,000</u>

Neither the affordable nor market-rate stacker units have been fully designed and the differences between them have not been fully determined. They have been conceptually designed with general sizing and layout for each type. The exteriors of either unit type would be indecipherable with high-quality Hardie plank siding, metal- frame windows, and quality doors and garage doors. Internally, the market- rate units would have a higher level of finishes, higher quality kitchen appliance package, higher quality bathroom finishes, etc. However, the affordable units would all have very good quality materials, appliances, construction, etc.

Table 2 “Zoning Table” from the SDEIS has been updated, below, to reflect the 96- unit SFEIS plan.

Table 2 Revised Zoning Table

Description	Proposed Project	MF Multifamily District
		Row and Attached Dwellings
Gross lot area (square feet)	779,179	--
Net lot area (square feet) ¹	686,186 ²	20,000
Net lot area provided per dwelling unit (square feet)	4,002 plus 1,500 per bedroom	4,000 plus 1,500 per bedroom
Lot width (feet)	979.5	20
Lot depth (feet)	665.5	100
Front yard (feet)	50.5	25
One side yard (feet)	50	50*
Both side yard (feet)	118.7	100*
Rear yard (feet)	56	40
Livable floor area per dwelling unit (square feet)		
Studio and efficiency dwellings	N/A	450
One-bedroom dwellings	N/A	675
Two-bedroom dwellings	1,575	750
Three-bedroom dwellings	1,795	1,000
Four-bedroom dwellings	N/A	1,200
Usable open space as % of Net Lot Area	72% ³	33%
Maximum Permitted Building Height		
Stories	2 ½	2 ½
Feet	26	35
Building coverage (percent)	19.9%	20%

* Note: Applies only between buildings and side lot lines.

1 Section 176-18.F of the Town Code specifies that at least 75% of the minimum lot area requirement of a proposed lot is to consist of neither "wetland" nor "extremely steep slope" as these terms are defined in the Code. The net lot area for the Site is 686,186 s.f

2 Combined Town and Village portions of the Site.

3 11.3 acres of open space are provided.

3.1. PROJECT BACKGROUND, NEED, OBJECTIVES AND BENEFITS

Project Background

The Applicant previously proposed a 188-unit multifamily rental project (the “Former Project”) on a 17.89-acre site occupied by the former Stony Lodge Hospital, located at 40 Croton Dam Road in the Town and Village of Ossining, New York (“Project Site”). The Stony Lodge Hospital was a child and adolescent psychiatric center that ceased operations in 2012. The Former Project was reviewed by the Ossining Planning Board and Town Board during a period spanning from November 2014 to approximately May 2020. The Former Project proposed clustering all units into a single building in the approximate location of the vacant Stony Lodge Hospital buildings. The Applicant submitted a petition to the Town Board for a new zoning district to be created, MF-2 “Multifamily Residence 2”, to enable a greater array of housing opportunities in the Town and to permit the Former Project subject to a Conditional Use permit. The use would have been permitted by the Planning Board as a conditional use.

Based on direct feedback from the Boards, community and neighbors, the Former Project was put on hold in the Fall of 2019. The Applicant re-thought the project and now proposes to construct a 96-unit 55+ age-restricted townhome condominium community on the Project Site, also to be known as River Knoll. The Proposed Project seeks to utilize the Town’s existing MF “Multifamily Residence” zoning district to accommodate the proposed use and the portion of the Site located in the Town would be re-mapped from the One-Family Residence (R-15) District to the MF District. Multifamily housing is a permitted use in the proposed MF district rezoning.

Project Location

The Project Site is 17.89 acres and is composed of 16.68 acres situated within a residential single-family home portion of the Town of Ossining and 1.21 acres situated within a residential portion of the Village of Ossining. Development is only proposed on the 16.68 acre portion of the Project Site within the Town of Ossining.

The 16.68 acre portion of the Project Site within the Town is identified as tax lot 89.08-1-83. The 1.21 acre portion of the Site within the Village is comprised of two tax lots which are tax lot 89.12-2-13 and tax lot 90.05-1-27. The Project Site fronts Croton Dam Road, which also provides access. The property is owned by Stony Lodge Hospital Inc.

Public Need, Objectives, and Benefits

The Proposed Project is designed to appeal to the empty nester population. The Proposed Project would be held in a condominium association whereby all exterior maintenance is managed and performed by professional managers and contractors.

The Proposed Project’s design would have the majority of the master bedrooms on the ground floor. The units would however offer the option for the addition of a small elevator to serve the lower and upper floors. The units would all have dens/offices for those who want to work from home. The option would also be provided in many units to add a second office if the owners need two work-from-home spaces.

Additionally, the Ossining real estate marketplace currently offers no residential project that focuses on this cohort. This Proposed Project would fill that void for this demographic.

3.2. ALTERNATIVES CONSIDERED

The SDEIS analyzed five alternatives that were included in the Final Scope. A summary comparison of the environmental impacts associated with each Alternative can be found in SDEIS Table V-1.

3.2.1. ALTERNATIVE A: THE FORMER PROJECT

The Former Project proposed to construct a 188-unit residential community housing development on the Project Site comprised of 169 market-rate and 19 affordable rental units, as mandated by Article VI of the Town of Ossining's Zoning Code. The Former Project also included a petition to rezone the 16.65 acre portion of the Project Site located in the Town of Ossining from the R-15 single family zoning district to a new Multifamily Residence 2 (MF 2) Zoning District. No structures or paved areas were proposed within the 1.24 acres of land within the Village of Ossining, currently zoned S-50 single family residential. The portion located within the Village of Ossining was to be put into an open space easement to prevent future development on that portion of the Project Site.

While this alternative would result in slightly less site disturbance and more preservation of open space than the Proposed Action, this alternative would have generated substantially more residents, school children, and traffic than the Proposed Action. The Planning Board finds the potential negative impacts to Alternative A outweighs its benefits and finds the Proposed Project least impactful to the community based on reasons set forth above. In addition, the Lead Agency finds that creating senior housing would provide additional benefit to the Town, which is currently not an available product within the Town of Ossining.

3.2.2. ALTERNATIVE B: CONVENTIONAL LAYOUT WITH R-15 ZONING

Alternative B is a conventional subdivision that could be developed under the existing R-15 zoning in the Town of Ossining. The R-15 Zoning District is a single-family residential district with a minimum lot size of 15,000 square feet. The maximum density for this alternative would result in 30 single-family lots, including three affordable homes.

While this alternative would result in less residents than the Proposed Action, it would result in more environmental impacts to the traffic, wetlands, steep slopes, and site disturbance. It would also result in less open space. The potential environmental benefits of the Proposed Action would outweigh the increased potential negative impacts resulting from Alternative B. In addition, the Lead Agency finds that creating senior housing would provide additional benefit to the Town, which is currently not an available product within the Town of Ossining.

3.2.3. ALTERNATIVE C: CLUSTER DEVELOPMENT BASE ON R-15 LAYOUT DENSITY

Alternative C is a cluster subdivision, where per §200-31 the bulk regulations of the R-5 Zoning District would apply. The maximum density for this alternative would result in 30 single-family lots, including three affordable homes.

While this alternative would result in less residents than the Proposed Action, it would result in more environmental impacts to the traffic, wetlands, steep slopes, and site disturbance. It would also result in less open space. The potential environmental benefits of the Proposed Action would outweigh the increased potential negative impacts resulting from Alternative C. In addition, the Lead Agency finds that creating senior housing would provide additional benefit to the Town, which is currently not an available product within the Town of Ossining.

3.2.4. ALTERNATIVE D: CONVENTIONAL LAYOUT WITH R-5 LAYOUT

Alternative D is a conventional subdivision that could be developed under the existing R-15 zoning in the Town of Ossining. The R-5 Zoning District is a single-family residential district with a minimum lot size of 5,000 square feet. The maximum density for this alternative would result in 67 single-family lots, including seven affordable homes.

This alternative would result in more residents than the Proposed Action. It would also result in more environmental impacts to the traffic, wetlands, steep slopes, and site disturbance. It would also result in less open space. The potential environmental benefits of the Proposed Action would greatly outweigh the increased potential negative impacts resulting from Alternative D. In addition, the Lead Agency finds that creating senior housing would provide additional benefit to the Town, which is currently not an available product within the Town of Ossining.

3.2.5. ALTERNATIVE E: NO ACTION ALTERNATIVE

Under the No Action Alternative, the Project Site would not be redeveloped and the existing conditions would remain. There would be no change to development coverage, impervious surface coverage, open space, or stormwater management. The property would remain in its current state, and none of the benefits associated with the Proposed Project would occur.

While this alternative would not generate new traffic, residents, site disturbance, and reduction of vegetation, this alternative would not enable the community of Ossining to achieve their objective of increasing the number of affordable housing units or the adaptive reuse and redevelopment of the former Stony Lodge Hospital property. It would also not provide senior housing units which are currently not a product found within the Town of Ossining.

4. FINDINGS CONCERNING ENVIRONMENTAL IMPACTS

The Town of Ossining Planning Board has analyzed the potential environmental impacts of the Proposed Action, as set forth in this Findings Statement. The Town of Ossining Planning Board, acting as the Lead Agency has given due and thorough consideration to the SDEIS and SFEIS, the transcript of the public hearing, all written agency and public comments received, all comments submitted by its professional consultants, and all plans and other information that are part of the record of this application. The Lead Agency considered all the aforementioned information with regard to the potentially significant adverse environmental impacts that may be expected from the Proposed Action, as well as the measures proposed to mitigate such impacts. These findings show that the Lead Agency has taken a hard look at the potential environmental impacts of the Proposed Action and addressed each significant potential negative environmental impact.

The SDEIS and SFEIS (together, the “EIS”) include an environmental evaluation of the following resource issues:

- Land Use, Zoning, and Community Character
- Wetlands
- Soils, Topography (Steep Slopes) and Geology
- Stormwater Management and Subsurface Water
- Vegetation and Wildlife
- Historical and Archeological Resources
- Infrastructure and Utilities
- Traffic and Transportation
- Community Facilities
- Fiscal Impacts
- Construction Impacts
- Other Environmental Impacts

The Town of Ossining Planning Board findings based on the EIS analysis are presented below.

4.1. LAND USE, ZONING, AND COMMUNITY CHARACTER

Land Use

The Project Site is an approximately 17.89 acre property situated within a residential neighborhood within the Town of Ossining, with a small portion of land (1.21 acres) within a residential neighborhood within the Village of Ossining. The Project Site comprises the former Stony Lodge Hospital grounds, formerly used as a psychiatric treatment hospital for adolescents. There are nine abandoned buildings on the property. The oldest building, also known as the Main Building (circa 1868) stands at the top of the hill and was likely a private residence. Later, in the 20th Century, portions of the building were removed, and the building was altered and then remodeled in the late 1940s to adapt the building to meet the hospital’s needs for use as an acute psychiatric program. The North, East, and South Buildings were built in the 1930s. Additional buildings were built on the hospital campus in the 1950s, including a garage, the Maintenance Building (1951), the Administration Building (1953), and the Recreation Room (a former garage close to residential neighbors [1954]). The West Building was built in 1960s. These buildings provided residential facilities for up to 60 patients, out-patient therapeutic facilities, recreational uses, administration buildings, maintenance buildings, and entry drive. All of the existing buildings and uses are located within the Town of Ossining.

The majority of land uses surrounding the Project Site consist of small-lot single-family residential uses. The areas abutting the Project Site to the north, east, and south are high density single-family residential subdivisions in the Village of Ossining with houses set close to the street. (A portion of Grandview Avenue is within the Town of Ossining.) The residential properties to the west of Croton Dam Road are on larger properties in the Town of Ossining with houses set further back from the street and on a vegetated hillside.

The Proposed Project would change the use on the Project Site from an institutional use to a compatible townhouse age-restricted residential use.

The Planning Board finds the change in land use does not make the Project Site incompatible with surrounding land uses or constitute a significant adverse impact. This use is consistent with neighboring residential uses as compared to the existing institutional hospital use.

Zoning

The portion of the Project Site (16.68 acres) within the Town of Ossining is zoned One-Family Residence (R-15). The R-15 District has a minimum of 15,000 square foot lot size. A small 1.21 acre portion of the Project Site is located in the Village of Ossining and is zoned S-50 Single-Family Residence district with a 5,000 square foot minimum lot size. Permitted, conditional, and accessory uses on the Project Site in the R-15 district are consistent with and listed under the zoning regulations pursuant to §200-7: R-40 "One-Family Residence District." Permitted uses include one-family detached dwellings, not to exceed one dwelling on each lot, in addition to limited agricultural operations and municipal structure uses.

The permitted uses by special permit upon approval by the Board of Appeals include places of worship, educational or general medical care institutions, public utility rights-of-way, annual membership clubs, one-story temporary structures for agricultural display, and cemeteries.

The Proposed Project seeks to utilize the Town's existing MF Multifamily zoning district to accommodate the proposed use and the Project Site in the Town of Ossining would be re-mapped from the One-Family Residence (R-15) District to the MF Multifamily District. The Proposed Project does not require adoption of a new district as did the Former Project, and, instead, meets the density requirements of the existing MF (Multifamily) zone (Section 200-16).

Variances from certain other dimensional requirements of the MF zone may be required. At this time, based on the preliminary plans, it is only anticipated that variances would be required from Section 200-16(A)(b) in connection with the minimum distance between the principal buildings and as to the requirements of Section 200-16(A)(d) in connection with the required children's play area. In addition, subject to interpretation of the Building Inspector, a variance may be required in connection with one building that would have seven units instead of the six maximum units in a row as per Section 200-16(A)(3)(a).

Community Character

The Proposed Project would result in the construction of clustered townhouses on the Project Site, with significant landscaped buffers to the adjoining residential properties. The full-size Drawing L-100 "Landscape Plan" included with this SDEIS conceptually depicts the many deciduous and evergreen tree plantings that are to enhance the buffer screening along the perimeter of the Site adjacent to the residential uses. The proposed buildings are designed to be reminiscent of the modern farmhouse architectural vernacular (see Section III.A of the SDEIS for project renderings). The Proposed Project would create and preserve approximately 11.8 acres (or 66% of the entire Project Site) of open space, providing visual and natural resources benefits.

Mitigation measures to reduce impacts on land use and community character in the Project design are as follows:

- The site design would maintain and create vegetated buffered areas to all adjoining and adjacent properties including the natural greenspace at the front of the property alongside Croton Dam Road.

- The Applicant would comply with the Town's Tree Code Chapter 183.
- The proposed landscape plan would be further revised during the Site Plan review process and reviewed by the Tree Warden.
- The landscaping plan would incorporate the Town's recommended landscaping standards and further details on tree preservation during construction activities.

Summary

Given the consistency of the Project Site's current and proposed land use and the unique conditions and history at the site, the Town of Ossining Planning Board finds that no significant adverse impacts are anticipated as a result of the proposed land use. Based on the Proposed Action's overall conformity to the zoning requirements of the proposed MF district, the unique conditions of the Site, and the Proposed Project's consistency with the surrounding neighborhood, the Town of Ossining Planning Board finds that no significant adverse impacts are anticipated to the zoning. Further the Planning Board finds the mitigation measures, summarized above, would reduce the visibility of the development from offsite locations and improve the appearance of the Project. The Planning Board further finds that with the implementation of the required mitigation measures outlined above including the refinement of the landscaping plan during the site plan review process, no significant adverse impacts to community character are expected from the project based on Project siting and design.

4.2. WETLANDS

To confirm the presence of on-site wetlands, site inspections were conducted on September 14, 2015, April 21, 2017, and recently on June 11, 2021. The inspections confirmed one small herbaceous wetland of approximately 0.146 acres in size in the northeastern portion of the Project Site. The wetland is located entirely within the Village of Ossining. The wetland buffer in the Town portion of the Site is 0.496 acres in size. The inspections also confirmed that there was no vernal pool habitat on the Site. The wetland functional assessment found that the wetland primarily serves to modify groundwater discharge and water quality. The Proposed Project would not encroach into the wetland, or the 100 foot buffer regulated by either the Town or Village of Ossining. There are no New York State Department of Environmental Conservation (NYSDEC) regulated wetlands on or within the proximity of the Project Site. No wetlands or wetland buffers would be disturbed with the Proposed Project.

Mitigation measures to reduce impacts on wetlands in the Project design are as follows:

- During Site Plan review the Applicant would reconfirm the 2021 wetlands delineations for the Project Site and would confirm that no additional wetlands based on the definitions set forth in the Town's Chapter 105 Freshwater Wetlands, Watercourses and Water Body Protection of the Town Code are found on the Project Site.
- The Proposed Project would meet all the requirements of the Town's Chapter 105 Freshwater Wetlands, Watercourses and Water Body Protection.
- No wetlands or wetland buffers would be disturbed through development of the Proposed Project.

Summary

The Town of Ossining Planning Board finds that the mitigation measures, summarized above, would avoid impacts to the wetlands on the Project Site and therefore no significant adverse impacts to the wetlands are anticipated as a result of the Proposed Action.

4.3. SOILS, TOPOGRAPHY (STEEP SLOPES) AND GEOLOGY

A cut-and-fill analysis to accommodate the Proposed Project shows a net export of approximately 14,943 cubic yards.

Approximately 7.6 acres of slopes in excess of 15 percent would be disturbed by the Proposed Project. A detailed erosion control plan is included in the Stormwater Pollution Prevention Plan (SWPPP) (see SWPPP Appendix, Volume 2 of the SDEIS) to ensure that all steep slope disturbance (clearing/grading) does not result in the movement of soil in stormwater runoff and avoids erosion/sedimentation. Further the Applicant would need to adhere to all requirements in Chapter 167, Steep Slopes protection including obtaining any waivers from the Planning Board during the Site Plan review process.

The geotechnical work done to-date concluded that rock removal may be required. A hydraulic hammer would be used to chip and break the rock apart, but some blasting may be required in areas where it is the remaining viable option. If so, blasting would be conducted in accordance with applicable local, state, and federal regulations, including Town Code Section 89, Explosives, and the Town of Ossining regulations on blasting (Town Code §123).

To ensure compliance, a site-specific rock removal and blasting plan would be provided to the Town during the Site Plan review process. This plan would include schedules for blasting (day, hour, night, and duration); safety protocols associated with blasting activities and the handling and transport of blasting materials; and measures to reduce noise-related impacts. Compliance with the blasting plan would minimize potential impacts associated with blasting.

Mitigation measures to reduce impacts on soils, topography, and geology in the Project design are as follows:

- If blasting is required, it would be conducted in accordance with applicable local, state, and federal regulations, including Town Code Chapter 89, Explosives, and the Town of Ossining regulations on blasting (Town Code §123).
- A site-specific rock removal and blasting plan would be provided to the Town during the Site Plan review process. This plan would include schedules for blasting (day, hour, night, and duration); safety protocols associated with blasting activities and the handling and transport of blasting materials; and measures to reduce noise-related impacts.
- Erosion and sedimentation control measures would be implemented by the Applicant in accordance with the requirements of NYSDEC SPDES General Permit No. GP-0-20- 001 for Stormwater Discharges from Construction Activity, and Chapter 168, Stormwater Management and Erosion and Sediment Control, of the Town of Ossining Town Code.
- Retaining walls have been reduced to a maximum of approximately eight feet in height and 320 feet long to reduce the amount of impact to the proposed regrading of the Project Site.

Summary

The Town of Ossining Planning Board finds that when the mitigation measures detailed above are implemented, the Proposed Action would not result in significant adverse impacts as a result of steep slopes disturbance or rock removal.

4.4. STORMWATER MANAGEMENT AND SUBSURFACE WATER

The proposed Stormwater Pollution Prevention Plan (SWPPP) (Appendix B SDEIS Volume 2 Appendix) would be in compliance with the requirements of NYSDEC SPDES General Permit No. GP-0-20-001 for Stormwater Discharges from Construction Activity and Chapter 168, Stormwater Management and Erosion and Sediment Control, of the Code of the Town of Ossining. Erosion control measures employed during construction would conform to the New York Standards and Specifications for Erosion and Sediment Control (November, 2016).

The Proposed Project would be designed with two infiltration basins to treat water quality and retain stormwater runoff from the site. In addition, the proposed vegetated practices and overland discharges provide multiple opportunities for water quality enhancement and infiltration in addition to the proposed stormwater management practices.

These improvements would also mitigate runoff volumes from the proposed improvements as runoff volumes would be slightly reduced or maintained in all the analyzed storms. Based upon the detailed analysis contained in the SWPPP prepared for the Proposed Project (see SWPPP Appendix, Volume 2), the proposed stormwater management improvements would provide runoff reduction and water quality treatment for the 90% rainfall.

The SWPPP is engineered such that any portion of the site that is to be disturbed would contribute no (zero) runoff to the lower lying neighborhoods. Any portion of the site that remains undisturbed and currently contributes to runoff to the lower lying neighborhoods would remain unchanged. However, no portion of the developed portion of the site would generate runoff to the lower lying neighborhoods or to any off-site areas that currently experience uncontrolled runoff.

Mitigation measures to reduce impacts on soils, topography, and geology in the Project design are as follows:

- An Erosion and Sediment Control Management Program would be established for the Proposed Project, beginning at the start of construction and continue throughout its course, as outlined in the New York State Standards and Specifications for Erosion and Sediment Control, November 2016.
- Post construction and throughout the life of the project, a maintenance program would be implemented for the control of sediment transport and erosion control.
- The Applicant would provide a final SWPPP during the Site Plan review process.
- A more detailed post construction stormwater infiltration management and planting and maintenance plan would be provided for review during the Site Plan review process.

Summary

The Town of Ossining Planning Board finds that when the mitigation measures detailed above are implemented, the Proposed Action would not result in significant adverse impact on stormwater runoff and erosion and sediment control.

4.5. VEGETATION AND WILDLIFE

A total of 14.2 acres would be disturbed by the Proposed Project. The Proposed Project would create and preserve approximately 11.8 acres (or 66% of the entire Project Site) of open space. The Proposed Project design is sensitive to the retention of the property's green space. As such, it would result in the protection and preservation of 40 percent of the mature trees on the Project Site. A significant portion of the wooded periphery of the Project Site to the north and east would remain undisturbed as well as a portion of the wooded steep slopes on the western-central portion of the Project Site. In addition, no trees would be removed within the 100-foot buffer zone of the onsite wetlands.

Retention of the wooded areas would help to continue to provide wildlife habitat and add to the Site's visual appeal. The Project Site was evaluated for the potential presence of threatened and endangered species. The New York Natural Heritage Program did not identify the potential presence of any State listed species and a site visit conducted by a project team biologist did not identify habitat associated with these species. Therefore, based upon the detailed technical analysis contained in Chapter III.E, Vegetation and Wildlife, of the SDEIS no significant adverse impacts to threatened or endangered species are anticipated.

The Project proposes to remove 449 trees and proposes to plant 450 trees. Proposed tree species to be planted would be native and non-invasive. Final landscape design will be determined during Site Plan Review. Specifications for protection during development of the trees proposed to be preserved, and replacement and/or compensation for trees proposed to be removed will be determined during Site Plan Review in accordance with the Town's Tree Protection requirements, Chapter 183 of the Town Code.

Lighting fixtures would comply with dark sky requirements through the use of shielded and directional lighting, to minimize up-lighting and reduce unnatural lighting on nocturnal wildlife. Subsequent to the adoption of the proposed rezoning, an application for Site Plan review would be submitted with the specifications for all outdoor lighting along with an illustration and analysis of night-lighting trespass into habitats.

The Proposed Project would incorporate design measures that will discourage birds from flying into the windows with some form of window application to be determined during design development.

Mitigation measures to reduce impacts on vegetation and wildlife in the Project design as follows:

- The Applicant would comply with the Town's Tree Protection regulations, Chapter 183 of the Town Code.
- The proposed landscape plan would be further revised during the Site Plan review process and reviewed by the Tree Warden.
- The landscaping plan would incorporate the Town's recommended landscaping standards and further details on tree preservation during construction activities. No invasive plant species would be specified in this plan and would be prepared by registered landscape architects.

- Non-invasive, native, and well adapted plants for site conditions would be used as part of the proposed landscaping plan to reduce the demand for seasonal irrigation and fertilization.
- Subsequent to the adoption of the proposed rezoning, a tree preservation plan to protect the existing trees to remain, vegetation and habitats during construction would be submitted as part of the application for Site Plan review.
- The removal of invasive species would be accomplished through standard invasive control best management practices such as, for example, mechanical methods (pulling and digging, suffocation, cutting or mowing); permitted chemical control methods, and removing the cuttings as appropriate to help prevent reestablishment of the invasives. Repeat treatments may be required. The type of treatment(s) to use depends upon the extent of the invasive growth and what individual species of invasives are to be removed would be finalized during the Site Plan review process.
- A draft of the Project HOA would be submitted during the site plan review process for review of the landscaping management requirements. All landscaping management would be in accordance with the final landscape plan that would be submitted during formal site plan application.
- No wetlands or wetland buffers would be disturbed with the Proposed Project.
- The Applicant would incorporate design measures that will discourage birds from flying into the windows with some form of window application to be determined during design development.
- The Applicant would create/enter into an open space easement to prevent development in the Village section of the Project Property.

Summary

The Town of Ossining Planning Board finds that when the mitigation measures detailed above are implemented, the Proposed Action would not result in significant adverse impact to the vegetation and wildlife.

4.6. HISTORICAL AND ARCHEOLOGICAL RESOURCES

Historical

The Project Site contains nine buildings and structures that are part of the former Stony Lodge Hospital. The buildings on the Project Site are not listed on, nor have they been determined eligible for listing on the State/National Register (S/NR). However, in a letter dated October 20, 2015, Office of Recreation Parks and Historic Preservation (ORPHP) requested additional information regarding the history of the Stony Lodge Hospital as well as the 19th century Main Building prior to its association with the hospital. This information was provided to ORPHP for its determination of potential for impact on architectural resources. Subsequent to an initial submission to ORPHP for a determination whether the Main Building on Stony Lodge Hospital complex Project Site was S/NR eligible, ORPHP requested an additional architectural survey of the other buildings on the site—in addition to the Main Building—to determine potential for impact. Demolition of a S/NR property would constitute an adverse impact and would require that mitigation measures be identified and implemented in consultation with ORPHP. The additional buildings are of more recent construction and include south cottage (c. 1930s), west lodge (c. 1930s), east lodge (c. 1931), north lodge (c. 1931), the administration building (c. 1953), maintenance

building (c. 1951), and the recreation building (c. 1960s). Based on correspondence from OPRHP (see Appendix H of the SDEIS) OPRHP determined that the Former Project would have “no adverse effect” on the existing buildings. Thus, there would be no significant impacts to historic resources.

In comments transmitted through the New York State Cultural Resource Information System (CRIS) on October 20, 2015, OPRHP requested that a Phase 1A Archaeological Documentary Study (“Phase 1A Study”) of the Project Site be prepared to identify areas of archaeological sensitivity within the Project Site. A Phase 1A of the Project Site was conducted and submitted the report to OPRHP. OPRHP reviewed the Phase 1A archaeological investigation and concurred with the recommendation that additional testing be conducted on select portions of the property. A Phase 1B study was conducted in May 2017 and found no archaeological artifacts.

The areas that the Former Project would disturb generally coincided with the existing disturbed areas of the former hospital.

A total of 45 shovel tests were excavated as part of the Phase 1B survey, of which three shovel tests yielded fragments of coal and a single fragment of whiteware. These artifacts were not considered culturally significant.

The Phase 1B archaeological investigation of the Former River Knoll project did not identify any subsurface cultural features. Based on the results of the shovel tests excavated within the project area boundaries, no additional investigations were deemed warranted for the Site (see Section III.F, Historic and Archeological Resources, for more information).

Summary

The Town of Ossining Planning Board finds that the Proposed Action would not result in significant adverse impact to the historic and archaeological resources of the Project Site.

4.7. INFRASTRUCTURE AND UTILITIES

Water and Wastewater Services

The Proposed Project would create new demand for water that would be supplied to the Project Site by the Ossining Water Department, and wastewater that would be conveyed and treated at the Ossining Wastewater Treatment Plant. River Knoll would need to supply water and wastewater for the residents that would live at the age-restricted River Knoll. It is estimated that the Proposed Project would generate a domestic demand of 23,300 gpd, which is 7,500 gpd less than the 30,800 gpd demand of the Former Project and an increase of 9,115 gpd from the previous hospital use, which used 14,185 gpd when it was in operation.

A letter was received from the Westchester County Department of Environmental Facilities dated June 29, 2021, which states the County’s Ossining Water Resource Recovery Facility has sufficient capacity to accommodate the proposed flow increase.

The Town's Consulting Engineer has advised that the existing water system has adequate capacity to serve the Proposed Project. The Applicant is proposing water system improvements which include providing a "looped" system between Croton Dam Road and Narragansett Avenue which includes installing a new 8" water main through the Project Site within the new roadways. One end of the new line would be connected to the existing 12" water main within Narragansett Avenue; the other end would be connected to a new 8" water line to be installed in Croton Dam Road, near the northwest corner of the property. The new 8" water main within Croton Dam Road would be extended 270 feet to the north to connect to an existing 6" water main at the intersection of Croton Dam Road and Grandview Avenue. The portion of this new 8" water main that falls within the project site would be located within a 10' wide easement, which would be dedicated to the Village of Ossining.

Service lines would be connected to the new 8" water main to serve the proposed buildings. The service connections would be private. The Proposed Project would install a public sanitary main within the Project Site's roadways. From that sanitary main service, 4-inch domestic sanitary service lines would service the townhomes and clubhouse.

Since the anticipated increase in demand for water and wastewater services is only a small portion of the total capacity of the respective systems, no significant adverse impacts were anticipated as a result of the Former Project, and because the Proposed Project has less demand, impacts would be less.

Energy and Telephone Services

As with the Former Project, Con Edison would 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 would need to be provided to service the proposed buildings in accordance with New York State Public Service Commission. The Project would utilize underground all electrical and gas service lines on the Project Site; however, utilities along Croton Dam Road would remain in the existing condition.

River Knoll is designed to meet or exceed the NYS Energy Conservation Code and the Town's Stretch Energy Code 2020, which requires the use of energy efficient products in all new construction. The exterior walls and rooftop would include thermal insulation and an air barrier to reduce heat loss in the winter and heat gain in the summer. Exterior windows would be double pane insulated glass with low emissivity glazing. The building envelope would be developed using the best practices for energy efficient buildings. Mechanical systems would incorporate economizer cycles for energy conservation. Motion activated light sensors would be utilized to reduce power consumption in less frequented public areas.

The Project Site has access to internet, phone, and cable services, which are provided by Verizon Fios and Optimum by Altice. These telecommunication services were provided to the existing hospital via overhead connections with communication lines attached to utility poles located along Croton Dam Road.

The Project would include the following mitigation measures:

- The Project is proposing water system improvements that include providing a “looped” system between Croton Dam Road and Narragansett Avenue which includes installing a new 8” water main through the Project Site within the new roadways.
- The Proposed Project would follow the NYS Energy Conservation Code and the Town’s NY Stretch Energy Code 2020.
- Con Edison would be able to adequately service the increase in demand by providing upgrades to existing services to the Project Site as needed. Extension of existing onsite service lines would need to be provided to service the proposed buildings in accordance with New York State Public Service Commission requirements.
- The Proposed Project would underground all electrical and gas service lines on the Project Site, however utilities along Croton Dam Road would remain in the existing condition.
- Final design and determination of energy source would be undertaken during Site Plan review.

Summary

The Town of Ossining Planning Board finds that when the mitigation measures detailed above are implemented, the Proposed Action would not result in significant adverse impact to the infrastructure and utilities.

4.8. TRAFFIC AND TRANSPORTATION

The Proposed Project would have two emergency access only driveways with one connecting to Croton Dam Road located north of the main site driveway and the second connecting to Narragansett Avenue. The proposed driveway connecting to Croton Dam Road provides two-way traffic flow. The single site access splits into two 26 foot wide two-way dead end roadways at an intersection within the property. One of the roads continues easterly from the site driveway and then curves to travel north to its terminus providing access to 64 units. This roadway provides an emergency access drive connecting to Narragansett Avenue which would include bollard and chain assemblies at both ends to prevent use except for emergency vehicles. The other road traverses in a northerly direction from the site driveway and curves to travel south to its terminus providing access to the remaining 31 units. This roadway provides an emergency access drive connecting to Croton Dam Road which would include bollard and chain assemblies at both ends to prevent use except for emergency vehicles. A bicycle rack for bicycle parking is proposed at the proposed clubhouse for the community and pedestrians would be able to access and use the emergency access roads.

The currently proposed age-restricted redevelopment is projected to generate approximately 19, 25, and 32 trips during the peak weekday AM, weekday PM, and Saturday midday hours, respectively. When compared to the reoccupied hospital volumes, the Proposed Project results in a reduction of 32, 35, and 28 trips during the peak weekday AM, weekday PM, and Saturday midday hours, respectively. Intersection capacity analysis computed based on the Build Volumes indicate that the intersections would operate at the same or better levels of service as projected for the No-Build Volumes except for one turning movement during the peak Saturday midday hour. The Traffic Impact Study can be found in Appendix D of the SDEIS.

During the peak weekday AM hour, the Grandview Avenue approach to its intersection with Croton Dam Road is projected to decrease in delay from a level of service B under no-build conditions to a level of service A under build conditions. All other movements at the studied intersections under build

conditions are projected to operate at same levels of service during the peak weekday AM hour as projected under no-build conditions. The overall delay under build conditions at the intersection of NY 9A and Croton Dam Road is projected to decrease compared to no-build conditions.

During the peak weekday PM hour, the Grandview Avenue approach to its intersection with Croton Dam Road is projected to decrease in delay from a level of service B under no-build conditions to a level of service A under build conditions. All other movements at the studied intersections under build conditions are projected to operate at same levels of service during the peak weekday PM hour as projected under no-build conditions. The overall delay under build conditions at the intersection of NY 9A and Croton Dam Road is projected to decrease compared to no-build conditions.

During the peak Saturday midday hour, the Pershing Avenue approach to its intersection with Croton Dam Road is projected to increase in delay by 0.4 seconds from a level of service A under no-build conditions to a level of service B under build conditions. At the intersection of NY 9A and Croton Dam Road, the NY 9A eastbound left turn lane is projected to decrease in delay from a level of service E under no-build conditions to a level of service D under build conditions. Additionally, the Croton Dam Road northbound approach to NY 9A is projected to decrease in delay from a level of service E under no-build conditions to a level of service D under build conditions. All other movements at the studied intersections under build conditions are projected to operate at same levels of service during the peak Saturday midday hour as projected under no-build conditions.

Additionally, a queuing analysis was performed at the studied intersections. Based on the queuing analysis, the available storage length can accommodate the projected queue lengths for all approaches at the studied intersections, except for the eastbound left turn and northbound approach at the intersection of NY 9A and Croton Dam Road. These particular movements exceed the available queue length under existing conditions.

As part of the proposed age-restricted redevelopment, the Proposed Project proposes to improve the existing driveway by widening the driveway width as well as relocating the existing decorative wall in the vicinity of the proposed Site driveway. The relocation of the existing decorative wall would accommodate the modeled intersection sight distances for vehicles exiting the Site driveway and turning onto Croton Dam Road.

The Project proposes to include the following mitigation measures:

- The Applicant is proposing to add “Do Not Block the Box” signage and striping to the northbound approach of Croton Dam Road at the intersection with Route 134 (Kitchawan State Road) and has indicated in their response that they would be willing to participate in a Town managed arrangement where fair share fees are collected that would be used for funding improvements.
- The existing walls adjacent to the site driveway are to be relocated to improve the sight distance.
- Final sidewalk and bicycle rack placement would take place during the site plan review phase to provide sidewalks in appropriate areas.
- Final on-street parking would take place during Site Plan review.
- The Applicant would provide documentation on the current school bus stop activity on Croton Dam and make any adjustments as needed to the site plan or coordinate with the school district on bus stop adjustments during Site Plan review.

- The Project would provide an emergency access between the cul-de-sac and Narragansett Avenue on the northeasterly portion of the Site and another emergency access between the westerly site roadway and Croton Dam Road on the northwesterly portion of the Site. Both are 15 feet in width and would be paved and have a bollard and chain assembly at either end to prevent non-emergency vehicular access. However, pedestrian and bicycle use would be permitted.

Summary

The Town of Ossining Planning Board finds that when the mitigation measures detailed above are implemented, the Proposed Action would not result in significant adverse impacts to traffic and transportation.

4.9. COMMUNITY FACILITIES

The Proposed Project currently proposes 96 age-restricted for-sale townhouse units. Age restrictions are to be implemented through the Declaration of Covenants, conditions, and Restrictions for the River Knoll HOA ("Declaration"), which is allowed under the Federal Fair Housing Act. Based on a typical Declaration, each unit can only be occupied by, and shall not be sold, leased, licensed or permitted to be occupied except by, at least one person of at least 55 years of age (the "Minimum Age"). However, individuals 19 or older residing with their spouse who satisfies the Minimum Age; a surviving spouse who is 19 or older who resided in a unit prior to the death of their spouse (provided that the deceased spouse was of the Minimum Age at the time of death); and/or a child or other family member who is 19 or older residing with a parent or family member who is of the Minimum Age or who otherwise falls into one of the class of persons excepted may reside within a unit. Meanwhile, no person under the age of 19 years shall occupy a unit for more than 120 days per year. The age restriction shall be enforced by the River Knoll HOA.

Demographics

The Proposed Project is expected to generate approximately 152 residents. Based on the Census-estimated Town population of 37,702 (2015-2019 ACS), the increase in 152 residents represents a marginal 0.4% increase in population. Because this is an age-restricted community, no school age children would reside within the community on a long-term basis as discussed in the previous section (children under the age of 19 would not be allowed to be permanent residents, residing for a maximum period of approximately 120 days), and thus no significant demographic impacts to the school district are anticipated.

Open Space and Recreation

The Project proposes a multitude of recreational amenities on-site, including a pool and club house. Because this is an age restricted development with no school age children, there would be even less demand for public open space and recreation facilities than a non-restricted age project, particular for active recreation and sports fields. As such, no substantial increase in demand for public open space and recreation services is anticipated. All applicable recreation fees would be paid by the Applicant.

Emergency Services

The 0.4% increase in population resulting from the Proposed Project is not expected to substantially affect the ratio of police/fire personnel per resident or require additional staffing/investment to maintain the current level of services. Further, the Proposed Project would continue to be building and fire code compliant and remain within the height supported by the fire department's existing equipment.

The 2018 DEIS additionally noted that the Ossining Volunteer Ambulance Corps receives on average 0.1 calls per person per year. The increase in 152 residents from the Proposed Project would thus generate approximately 16 calls per year. The Proposed Project is age-restricted for active adults, who are able to live independently, many of whom are not retired, and are active both physically and socially and, as such, the development is not expected to generate calls at levels higher than a non age-restricted development. As such, the proposed development is not expected to cause any material impact to the Ambulance Corps.

Summary

The Town of Ossining Planning Board finds that the Proposed Action is not expected to generate an increase in the population, and no significant demography-related adverse impacts to community services are anticipated. The Board finds that no substantial increase in demand for public open space and recreation services is anticipated, and the applicable recreation fees generated by the Proposed Project are expected to offset any additional costs. The Board further finds that there would be no significant adverse impacts on the services to be provided by the Ossining EMS, Police, or Fire Departments and there would be no significant impact to the schools due to the proposed age-restricted development.

4.10. FISCAL IMPACTS

Taxes collected for municipal demands include Townwide, unincorporated Town, Ambulance District, refuse, light, fire, Townwide Water District, Ossining school, and library taxes. Currently, the Project Site generates a total of \$75,628 for these services. Based on the analysis contained in Chapter 3.J, Fiscal Impacts, of the SDEIS the Proposed Project is not anticipated to have significant impacts on community facilities or require significant capital investments by the public service providers. Further, because the Proposed Project is age-restricted, there are no anticipated impacts to the school district.

The Proposed Project would result in net positive fiscal impact for all taxing jurisdictions. The SDEIS estimated that the total annual net fiscal impact of the Proposed Project is \$875,722. Compared to the existing conditions, the Proposed Project would result in a total increase of approximately \$800,094 in annual net surplus revenue. On the cost side, the Proposed Project is not anticipated to have significant impacts on community facilities or require significant capital investments by the public service providers. Further, because the Proposed Project is age-restricted, there are no anticipated impacts to the school district. The Proposed Project would not impact the School District other than paying an additional approximately \$691,151 in school taxes in excess of the approximately \$49,568 paid by the existing Site.

Summary

The Project Site is anticipated to generate a higher amount of taxes than the current taxes at the Site. The final assessed value would be determined by the Assessor of the Town of Ossining. The Town of

Ossining Planning Board further finds that no significant adverse fiscal and economic impacts are anticipated as a result of the Proposed Action.

4.11. CONSTRUCTION IMPACTS

Appendix E, Construction Management Plan of the SDEIS details the construction phasing, construction phase duration, construction staging, construction trailer and parking locations, and number of employees by phase.

The construction period for the Proposed Project is expected to last approximately 18 to 21 months (months 11-21 of construction cycle would largely focus on work internal to the building with less noise generation). As discussed in Chapter III.K, Construction, of the SDEIS implementation of an Erosion and Sediment Control Plan, Best Practices, and construction management techniques would minimize any potential temporary construction-related impacts. A Landscape Plan would be implemented after construction of the Proposed Project to return disturbed areas to their previous condition or an improved state.

Erosion and Sediment Control

In order to avoid or minimize soil erosion and potential related effects on water quality during construction of the Proposed Project, a Stormwater Pollution Prevention Plan (SWPPP) and an Erosion and Sediment Control Plan would be implemented pursuant to applicable local and state regulations. A Work Zone Traffic Control Plan (WZTCP) would be put in place to direct construction vehicles and foster efficient traffic flow near the Project Site during the construction period.

Air

Airborne dust may be generated as a result of the construction activity. Air quality would be maintained through use of truck mats, watering of exposed areas during dry periods, and drainage diversion methods to reduce fugitive dust. Construction vehicles would not be permitted to idle when not in use, thereby reducing impacts related to emissions.

Traffic

Based on the topography of the Project Site, and in order to accommodate development in accordance with the proposed plan, the project would result in a net cut of approximately 14,943 cubic yards of excess material. Approximately 89 percent of the material to be excavated would be re-used on the Project Site as compacted fill, and the balance of the excavated material would be exported from the Site. The excess material would be exported in accordance with all applicable regulations to appropriate location(s). These trips would be spread over 5 to 6 months during the earthwork period, such that the number of truck trips during a single day would be roughly 6.5 truck trips per workday, which equates to less than one trip per hour.

Construction of the Proposed Project would create construction-related traffic to and from the Project Site, including trips related to workers as well as delivery of materials and equipment. In addition, there would be truck traffic associated with removing construction debris and excavated materials from the Project Site. Section III.K, Construction Impacts, of the SDEIS contains tables of total construction vehicle by vehicle type for each phase of construction.

Construction-related trucking would utilize NY 9A from the south, and NY 9 to NY 9A from the north. Trucks would exit NY 9A at its intersection with NY 134 (Croton Dam Road) and proceed along NY 134 to the existing site entrance, which would continue to be used. Construction related traffic is not anticipated to have a significant impact on public transportation since there are no County Bee-Line routes or stops along the property's Croton Dam Road frontage. Construction related traffic is not anticipated to have a significant impact on school bus routes or stops since the construction workers would generally arrive and depart of the property outside of the school bus traffic time periods. Construction traffic during the day would be limited to materials being delivered or exported as the construction workers would remain on the property during the daytime.

Rock Removal

The extent of blasting or rock removal would be finalized during the development of design documents which would provide detail on all unit footprints, foundation and footing design, and retaining wall design. During this design phase when the exact locations of the buildings are known full Geotechnical analysis would be undertaken.

Prior to the start of any construction, a Blasting Management Plan would be prepared by the blasting contractor for this project. This plan would be in accordance with State regulations and the Explosive Materials Code, NFPA No. 495, National Fire Prevention Association. Additionally, all blasting would adhere to the provisions of 29 CFR Ch. XVII Section 1910.109 for explosives and blasting agents, the Town of Ossining Municipal Code, and any other local requirements.

Noise

Significant noise levels typically occur nearest the construction activities and may reach as high as 90 A-weighted decibels (dBA) under worst-case conditions. Increased noise levels due to construction activity would be most significant during the early construction phases such as clearing, demolition, and excavation, which would be relatively short in duration (approximately two to three months) and intermittent based on the equipment in use and the work being done. Construction operations, for some limited time periods, would result in temporary increased noise levels. Therefore, these noise effects would be temporary in nature and would occur during noise-regulated hours.

Construction would conform to the hours permitted by Chapter 130, Noise, of the Town Code. §130-6.C limits construction activity that is audible outside a building or structure to Monday through Friday, except holidays, during the hours of 8:00 AM to 8:00 PM, and Saturdays, Sundays and holidays during the hours of 9:00 AM to 5:00 PM.

The Project proposes to include the following mitigation measures:

- Erosion and sedimentation control measures would be implemented by the Applicant in accordance with the requirements of NYSDEC SPDES General Permit No. GP-0-20- 001 for Stormwater Discharges from Construction Activity, and Chapter 168, Stormwater Management and Erosion and Sediment Control, of the Town of Ossining Town Code.
- The Applicant would provide a final SWPPP during the Site Plan review process.
- Construction activities would be restricted to permissible hours of the day and days of the week as prescribed by Chapter 130, Noise, of the Town Code.

- If blasting is required, it would be conducted in accordance with applicable local, state, and federal regulations, including Town Code Section 89, Explosives, and the Town of Ossining regulations on blasting (Town Code §123).
- A site-specific rock removal and blasting plan would be provided to the Town during the Site Plan review process. This plan would include schedules for blasting (day, hour, night, and duration); safety protocols associated with blasting activities and the handling and transport of blasting materials; and measures to reduce noise-related impacts.
- Clearing and rough grading of the Project Site would be conducted in accordance with the approved Site Plan and under the supervision of the Town Building Department.
- Identify areas to remain undisturbed to prevent inadvertent encroachment including the wetland and wetland buffer areas and install tree protection. Requirements to protect areas proposed to remain undisturbed and to protect trees proposed to be preserved will be determined during Site Plan review.
- Provide a stabilized construction entrance and install “rumble strips” to reduce the possibility of tracking soil and pebbles onto the public streets.
- Utilize dust control techniques such as soil wetting and/or application of calcium chloride to stabilize soil along the driveway and in work areas as needed and keep on-site construction vehicle speeds at or below ten mph to minimize dust generation.
- Cover or stabilize soil stockpiles that would remain for more than a few days to prevent erosion, sedimentation, and airborne dust.
- Reseed and landscape areas that are disturbed or begin construction as soon as possible after clearing and ground disturbance to stabilize exposed soils and reduce the time that soil is loose and bare.
- A Landscape Plan would be implemented after construction of the Proposed Project to return disturbed areas to their previous condition or an improved state.
- No idling of vehicles when not in use.
- Identify suitable places on-site for vehicle and heavy equipment parking and prohibit the parking of trucks or prolonged idling on public streets or within the shoulder area of public streets.
- Construction trucks are required to only access the site via Croton Dam Road from Route 9A.

Summary

The Town of Ossining Planning Board finds that based on the evaluation of existing conditions and potential impacts of the Project and with implementation of the required mitigation measure as outlined above, no significant adverse impacts are anticipated as a result of the Project construction or operation.

4.12. ENERGY USE AND CONSERVATION

River Knoll would be designed to meet or exceed the NYS Energy Conservation Code (ECC), which requires the use of energy efficient products in all new construction, as well as the NY Stretch Energy Code 2020.

The exterior walls of the units would include thermal insulation and an air barrier to reduce heat loss in the winter and heat gain in the summer. Exterior windows would be double-paned insulated glass with low emissivity glazing. Mechanical systems would incorporate economizer cycles for energy

conservation. Motion activated light sensors would be utilized to reduce power consumption in less frequented public areas.

The residential units would utilize energy efficient technologies including:

- The roof surfaces would be SRI 30 or better;
- 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 would be Energy Star-rated double-paned insulated glass.

The existing Project Site has no modern stormwater practices. The Proposed Project would be designed with two infiltration basins to treat for water quality and retain stormwater runoff from the site. In addition, the proposed vegetated practices and overland discharges provide multiple opportunities for water quality enhancement and infiltration in addition to the proposed stormwater management practices.

Low intensity and dark-sky compliant energy-efficient LED lighting would be used for security and wayfinding. Minimal decorative down-lighting would be provided at the entrance to the Site. Lighting fixtures would comply with dark sky requirements through the use of shielded and directional lighting, to minimize up-lighting and reduce unnatural lighting on nocturnal wildlife.

All townhouse units will be pre-wired to allow for easy installation of EV chargers.

Measures to Avoid or Reduce Impacts on Climate Change

The following measures to avoid or reduce impacts on climate change would be incorporated into the Project:

Energy Conservation

- The residential units would utilize energy efficient technologies including:
- The roof surfaces would be fiberglass shingle.
- 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.
- Windows and doors that would be Energy Star-rated double-paned insulated glass.

- Energy conservation measures would be instituted to ensure lights are shut off when and where they are not needed.
- The Applicant would provide additional information during the Site Plan review process on the energy efficiency of the window panels.
- The Applicant would provide additional information during the Site Plan review process on the energy efficiency of including alternative energy into the project design such as solar, electrical sources of heat, or other green energy sources.
- All townhouse units will be pre-wired to allow for easy installation of chargers.

Summary

The Town of Ossining Planning Board finds that with the mitigation measures incorporated into the Project, listed above, the Project would not result in a significant adverse impact on energy usage and greenhouse gas emissions.

5. CERTIFICATION OF FINDINGS

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the SDEIS and SFEIS and information derived from the public review during the course of the SEQRA review process, and having weighed and balanced relevant environmental impacts with social, economic and other considerations, the Town of Ossining Planning Board, as Lead Agency, finds and certifies that: (a) the requirements of SEQRA and the SEQRA Regulations have been met; (b) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental effects to the maximum extent practicable; and (c) adverse environmental impacts would be avoided or minimized to the maximum extent practicable by incorporating as conditions to the Lead Agency's decision to approve the Proposed Action those impact avoidance and mitigation measures that have been identified herein as practicable.

LOCAL LAW NO. 1 of 2024

A Local Law known and cited as Amendment to Town Zoning Map for 40 Croton Dam Road, identified as tax lot 89.08-1-83, from R-15 (One-Family Residence 15) to MF (Multifamily Residence).

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Purpose and Intent. Stony Lodge Hospital Inc., the owner of 40 Croton Dam Road, submitted a zoning petition to rezone 40 Croton Dam Road from the R-15 zoning district to the MF zoning district. This petition was based upon a coordinated review pursuant to the State Environmental Quality Review Act by the Town of Ossining Planning Board that culminated in a Findings Statement determining the proposed project for a 96-unit, 55 and over age-restricted townhome condominium community mitigated potential adverse environmental impacts to the greatest extent possible.

SECTION 2. Applying the MF Zoning District to 40 Croton Dam Road solely for the proposed project

The Town Board hereby applies the MF zoning district to 40 Croton Dam Road solely for the proposed project that was the subject of the Planning Board's review pursuant to the State Environmental Quality Review Act for a 96-unit, 55 and over age-restricted townhome condominium community based upon the plans referenced in the Supplemental Final Environmental Impact Statement and Findings Statement.

SECTION 3. Amending Zoning Map

The Town's Zoning Map will be amended concurrent with the Building Inspector's issuance of the first certificate of occupancy for the 96-unit, 55 and over age-restricted townhome condominium community based upon the plans referenced in the Supplemental Final Environmental Impact Statement and Findings Statement.

SECTION 4. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 5. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING