

March 15, 2023

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on March 15, 2023 at 7:30 p.m. at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference.** Members of the public were able to attend in person or view and/or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/85078149401>

There were present the following members of the Planning Board:

Carolyn Stevens, Chair  
Donna Sharrett, Member  
Manny Enriquez, Member  
Jason Mencher, Member

Absent: Jim Bossinas, Member

Also Present: Christie Addona, Attorney, Silverberg, Zalantis LLP  
Valerie Monastra, AICP, Nelson, Pope & Voorhis, LLC  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandra Anelli, Secretary  
Margaret Conn, Secretary (Zoom)

**Chocolate Sky LLC, 39 Stormytown Road Subdivision, Request for Extension of time to complete final resolution items**

Mr. Chuck Utschig, Langan Engineering, was in attendance in person. He is asking for an additional extension of 90 days to complete final documents and map signing. Ms. Monastra received planting plans today, Ms. Addona is currently reviewing stormwater maintenance agreement and below market rate lot information which is for one of the nine lots. Also, final versions and recording documents were received today March 15, 2023. These will be presented to the Town Board on March 28, 2023.

**Mr. Enriquez made a motion, seconded by Mr. Mencher and it was unanimously approved by the Board to grant an additional 90 day extension of time to complete resolution items as discussed.**

**Enel X, 381 North Highland Avenue, Site Plan Energy Storage System (formerly Borrego Solar) Request for Extension of time to complete resolution items**

Mr. David Droz, Engineering Project Manager, Enel X, appeared on Zoom. Mr. Droz submitted a letter dated February 6, 2023 requesting a 12 month permit extension because their current site plan permit expires at the end of April. Mr. Droz said they have secured a delivery timeline for the batteries and are scheduled to commence construction this summer 2023. Mr. Droz asked for clarification of the timeline from when they would be able to submit a building permit. After some discussion, the Applicant and the Board agreed that nine months would be appropriate.

**Mr. Mencher made a motion, seconded by Mr. Enriquez and unanimously passed by the Board to grant an extension of time to complete site plan items to December 31, 2023.**

**River Knoll Multi-Family Development, 40 Croton Dam Road, Review of Final Environmental Impact Statement (FEIS) Review**

Mr. Glen Vetromile, Hudson Park Group LLC, was in attendance. Mr. Vetromile gave a brief presentation and overview of the project. Ms. Monastra submitted and reviewed with the Board, a memo dated March 10, 202. The memo outlines Planning Board comments in response to River Knoll Supplemental Final Environmental Impact Statement SFEIS comments as follows:

## GENERAL DOCUMENT COMMENTS

1. The Town of Ossining received public comments from 12 different submissions, and only six (6) were listed in the FEIS. Please revise the FEIS to include all public comments and responses to all comments. The missing comments are appended to this memorandum.
2. Project Description and Executive Summary: There is a discrepancy in the Project Description and Executive Summary regarding the number of units that will be built. Is it 95 or 96 units? Please provide an updated zoning table that corresponds to the number of units proposed.
3. Please review Section 617.9(8) of the State Environmental Quality Review regulations and include all required items, specifically the reference or incorporation of the SDEIS into the SFEIS.

## RESPONSE TO COMMENTS

1. In comment 1A-1, the Applicant is asked for a better explanation of the price point of the units and anticipated residents. In Section I.E, as well as their comment response 1A-1, the Applicant notes that *“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.”* Is “stacker unit” referencing the buildings noted as containing two dwelling units within one building in the Site Plan? If so, these units should be identified or labeled on the Site Plans as “stacker units.”

Furthermore, Section I.E notes that *“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 will be larger than HUD guidelines and be very roughly 1,400 square feet for a two-bedroom unit and 1,700 square feet for a three-bedroom unit.”* Will the only difference between the additional “20 ‘stacker’ units” and the “10 affordable stacker units” be the price point, or will the units have different sizes/amenities?

Please provide a unit mix table identifying all the proposed unit types, their planned square footage, and bedroom quantities.

2. In response comment 1A-3, the Applicant has indicated that a list of the involved and interested agencies as well as which agencies are either involved or interested, is provided in Table I-2 within Section I.F of the SFEIS. We note that this information is provided in Table I-1 within Section I.G of the SFEIS, not Table I-2 within Section I.F of the SFEIS.

Additionally, comments 1A-4 and 1B-5 ask the Applicant to list the Zoning Board of Appeals (ZBA) as an involved agency in Table I-1 within Section I.G of the SFEIS, as the Proposed Project will require approval from the ZBA. The Applicant has responded that *“This information is provided in Section I.E of the SFEIS.”* We note that there is no mention of the ZBA within Section I.E of the SFEIS. The ZBA has been added as an involved agency in Table I-1 within Section I.G of the SFEIS. Please correct this.

3. Comments 1A-5, 1A-6, 1A-7, and 1A-8, all submitted in Appendix B-5, Letter – Town Environmental Advisory Committee, have to do with landscaping. Particularly, the Applicant has been asked to revise the proposed plantings along the proposed retaining walls and ensure the preservation of mature existing trees. The Applicant has given assurance that these requests will be met in a Landscaping Plan to be submitted in the future, stating both
  - *“during the formal site plan level of design, a landscaping plan will be prepared, and the trees that will be preserved will be identified;”* and
  - *“...a comprehensive landscaping plan will be prepared which will specify the plant types that will be used in and around the retaining walls. Plant types that may have root systems that might pose any problem to retaining wall stability and structure will be avoided.”*

The response to IA-5 and IA-6 should include additional information on the number of trees that will be preserved and their locations on the site plan. Response to comment IA-7 should include some example plant species that are being considered. In addition, the Town of Ossining has landscaping standards that should be incorporated into this response.

4. The response to comments IB-4 and 2-10 states, *“the Town Code states that properties that otherwise meet the requirements of the Multifamily (MF) district can apply to be rezoned, anywhere in the Town and not necessarily adjacent to the existing MF zones which are predominantly within the western side of Unincorporated Ossining, as noted above.”* Please provide the section of the Town Code that states this in your response.
5. The response to comment IB-5 states, *“this information is provided on Table I-2 within Section I.F of the SFEIS.”* The SFEIS does not include Table I-2. Please provide a list of variances that will be needed.
6. The response to comment IB-6 is not complete. At a minimum, the response should refer to mitigation measures, plans, maps, images, and detailed responses for each of the items raised.
7. The response to comment IB-7 is not complete. At a minimum, the response should refer to plans, maps, images, and provide detailed responses on how the proposed plan is addressing the issues of concern raised in the comment.
8. In comment IB-9, the Applicant was asked, *“if someone has to install an elevator because they cannot maneuver the stairs, what would the cost be, and who would bear that cost? Will the elevators be wheelchair accessible?”* The Applicant has not addressed these questions.
9. In the response to comment IB-10, please provide a table of the proposed unit types, sizes, and bedrooms.
10. In the response to comment IB-11, please provide how the proposed project will include accessibility for various income levels.
11. Response to comment IB-12 is not adequate. Please explain how the affordable units will comply with the Town Code.
12. Response to comment IB-14 does not address the concerns that the proposed project will have greater impacts than the prior proposal. Please provide a detailed response to the concerns raised on retaining walls, impervious coverage, stormwater runoff, tree removal, and open space.
13. The response to IB-15 should include additional information on the number of trees that will be preserved and their locations on the site plan. The response should also include some example plant species that are being considered. In addition, the Town of Ossining has landscaping standards that should be incorporated into this response.
14. The response to comment IB-17 is not complete. At a minimum, the response should provide details on how the proposed plan addresses cut and fill volumes and import of fill.
15. Comment 2-5 asks the Applicant about the level of affordability proposed for the ten affordable units, and what units are proposed to be affordable. It additionally asks to provide a description of how the proposed affordable units will comply with §200-35. The Applicant’s response does not sufficiently address this request.

16. Response 2-6 still does not mention the type of trail that will be proposed. Will there be sidewalks along the emergency accessway? Will there be sidewalks along the internal roads within River Knoll?
17. Response 2-7 refers to Response 2-6, which does not answer the question, “*will there be sidewalks added for this interconnection?*”
18. In response to comment 4-1, please provide a summary of the geotechnical work done to date and its results. Also, provide estimates of where on-site blasting is most likely to occur.
19. In comment 4-2, the Applicant was asked to provide a side-by-side illustration of the existing topography and the proposed topography so that a visual comparison can be made of pre and post construction impacts. The Applicant has not addressed this.
20. In comment 4-3, the Applicant was asked to provide a narrative that discusses the lengths and heights of the retaining walls proposed on site, which has not been included.
21. In comment 4-5, the Applicant was asked to provide the anticipated amount of fill to be used for the retaining walls, and, again, provide their heights and lengths. This information has not been offered, aside from the heights of the retaining walls noted on the Site Plan.
22. Corresponding to comments 4-1 and 4-7, significantly more information about potential blasting work (how much, period of time, potential mitigation practices) is warranted.
23. Comment 5-1 asks the Applicant to provide a description of how the stormwater infiltration basin will be planted and maintained. The comment asks if this feature will be a mowed lawn or a beneficial prairie area, if it will be mowed yearly, and if the plants will be native plants or lawn grasses. In their response, the Applicant indicates that the flat basin floor area must be comprised of grass turf, along with a grass channel provided at the inflow to the basin. However, no information was provided as to the proposed maintenance practices of the stormwater management areas. Routine upkeep is required in order to ensure these stormwater management features function properly. Similarly, to comment 5-1, comment 6-1 again asked the Applicant to identify the plantings/vegetation proposed for these areas, as well as the frequency with which the vegetation comprising the infiltration basins, noted as “grass turf,” will be mowed. This request was not addressed. Will these stormwater management areas adhere to the planting specifications outlined in the “Specifications for Final Stabilization of Graded Areas” section on Page 31 of the SWPPP?
24. Regarding comments 5-5 and 6-10, the Applicant has not provided more information on the anticipated phases, or “sequences,” of the disturbance and the acres associated with each phase, or “sequence.” Please provide this information.
25. Comments 5-6 and 5-7 ask the Applicant to provide a swale maintenance plan. This information was not provided.
26. Comments 6-3 and 2-11 ask the Applicant what will be done to prevent birds from unintentionally flying into the large windows. A response to that comment was not provided.
27. Landscaping Plan. The following comments were identified as “acknowledged” or “noted” by the Applicant and assured to be included in the final Landscaping Plan to be submitted as part of the Site Plan Review process. However, the accompanying changes were not undertaken for the submittal of the SFEIS.

- Comment 6-4: The landscaping plan should include a more diverse plant selection.
- Comment 6-5: Additional information is required regarding proposed plantings in the areas of the retaining walls and associated maintenance practices. The Site Plan does not indicate the presence of any plantings between the two, tiered retaining walls. However, the Applicant has responded that *“the retaining wall will be planted with appropriate species suitable for such a retaining wall. An access to the retaining wall will be provided for plant maintenance.”*

28. In comment 8-1, the Westchester County Planning Board outlines several requests for additional information regarding the identification of mitigation measures that will offset the projected increase in flow requiring treatment at the Ossining Water Resource Recovery Facility operated by Westchester County through reductions in inflow/infiltration (I&I). Some general questions listed in this comment are:

- Will the applicant be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I?
- How will I&I projects be identified?
- Who will conduct the work and in what timeframe?

The response to comment 8-1 should include responses to these questions. Consultation with the Town Engineer is recommended.

29. Comment 12-2 asks the Applicant to provide the construction sequence for the proposed project, as the construction sequence listed does not detail the proposed project but seems to outline work for a standalone building. The Applicant’s response did not provide this information.

30. Comment 12-4 asks the Applicant to provide the average truck trips per day for each phase of construction, to which the Applicant has only provided anticipated truck trips for the excavation phase and the foundation and structural framework phases. The Applicant should provide an estimation of truck trips for the remaining construction phases.

31. Comment 12-5 asks the Applicant where the construction staging area will be located, and if the field along Croton Dam Road be used for the parking of construction vehicles, to which the Applicant states that *“the construction staging area will likely utilize the field along Croton Dam Road for the parking of construction vehicles.”* However, this area is planned to be regraded and redesigned for the proposed stormwater management areas. If the excavation and rough grading phase occurs early on in the construction process, how will construction vehicles be stored in these areas for later phases? Will the proposed stormwater management areas be developed later on in the construction process? Please confirm whether or not construction staging, and vehicles, will be stored in these areas, and if so, how this will occur as the areas are regraded.

32. In comment 17-8, the Applicant is asked to clarify how the design of the expanse of exterior glass panels shown in the 3D graphics is intended to reduce heat gain during warm weather, to which there is no sufficient response.

33. In comment 17-9, the Applicant is asked if the proposed project can incorporate heat pumps, permeable pavement, native plants, and a reduction of mowing, to which the Applicant responds with a reference to several energy-efficient technologies planned to be implemented in the project. However, none of the relevant items referenced in this comment are discussed or even listed in the referenced response by the Applicant.

34. In comment 17-10, the Applicant is asked to provide information on how this project is consistent with the goals of the Climate Leadership and Community Protection Act. The Applicant’s response does not sufficiently address this request.

35. The Applicant has not addressed comment 17-11, which asks about several details regarding the Front Entry Building glass walls. Additionally, the Applicant's response did not address plans to mitigate negative impacts on wildlife stemming from nighttime illumination from interiorly lit glass walls.

### **End of NPV Memo**

Mr. John Canning, P.E., Kimley Horn, Traffic & Transportation Consultant, was in attendance on Zoom. Mr. Canning submitted and reviewed his memo, dated March 13, Re: SFEIS Traffic and Transportation as follows:

Kimley-Horn Engineering and Landscape Architecture of New York, P.C. (Kimley-Horn or KH) has completed its review of the traffic and transportation portions of the Supplemental Final Environmental Impact Statement (SFEIS), dated December 2022 for the proposed River Knoll residential development to be located on the former Stony Lodge Hospital site at 40 Croton Dam Road in the Town of Ossining.

The following review provides our evaluation as to whether the SFEIS adequately addresses the substantive technical comments on the accepted SDEIS, based on Kimley-Horn's September 2, 2022 review Memorandum as well as the public comment record. Kimley-Horn has reviewed the transportation-related items in the following SFEIS sections/documents:

- SFEIS Volume 1
- SFEIS Volume 2 (Traffic Study Appendix D)
- Site Plans (6 sheets, revision dated 12/23/2022)

The SFEIS notes that the Project's site layout plan has been redesigned to address comments received on the SDEIS. The revised plan now includes one (1) additional unit for a total of 96 units.

The following provides Kimley-Horn's comments on the responses provided by the Applicant in the SFEIS for the transportation-related items (numbered in accordance with the SFEIS). Our comments on the SFEIS are provided in bold italics.

### **SFEIS Responses to Kimley-Horn September 2, 2022 Review Memorandum**

#### **SFEIS Comment No. 9-5 (School Bus Stops/Safety)**

***SDEIS Comment:** The Applicant was asked to provide information on school bus stop locations in the study area as well as the morning and afternoon pick-up and drop-off times at each location and evaluate potential impacts and mitigation, as the Project's construction activity will coincide with school bus activity.*

SFEIS Response: The Applicant indicates that the Ossining Union Free School District has been contacted to obtain the school bus stop information but that a response from the District has not yet been received. The Applicant states that no significant impacts are anticipated as per New York State vehicle and traffic laws, all vehicles, including construction vehicles, must stop when school buses are picking up or discharging passengers.

***KH Comment:** The Applicant has not provided the required information on school bus stop locations in the study area. This is information that the School District could provide. This is also information that the Applicant could have gathered through field observation.*

*The Applicant is correct in stating that all vehicles, including construction vehicles, must stop when school buses are picking up or discharging passengers. However, once the school bus retracts its Stop sign, opposing vehicles may pass the bus and stop location and once the school bus departs the stop location, vehicles waiting behind school buses will also pass the stop location. School children may be crossing the street or walking away from the stop location at this time, or they may be getting into waiting vehicles. The opposite may be true in the morning.*

*Based on the data provided to date, it appears that there would be additional construction activity past the bus stop locations at drop-off and pick up times. Without knowing the times, nature, levels and location of school bus activity on Croton Dam Road and comparing them to projected construction activity, it is difficult to affirm that the project will not have a significant adverse impact on this activity or that any impact will be mitigated to the greatest extent practical.*

***It is recommended that the Applicant document current school bus stop activity on Croton Dam Road or outline a plan that will minimize the impact of construction activity on such activity.***

SFEIS Comment No. 9-6 (Accident Analysis)

*SDEIS Comment:* *The Applicant was asked to obtain accident data from the New York State Department of Transportation (NYSDOT) as the SDEIS only evaluated accident records provided by the Town/Village Police Department. For any NYSDOT crashes not included in the SDEIS, an analysis of the new data was to be performed and any locations where the accident rate exceeds the statewide average, a further discussion was to be provided and potential impacts and mitigation proposed.*

SFEIS Response: The Applicant obtained additional accident records from the NYSDOT and re-analyzed the crash data in the Traffic Impact Study ("TIS") in SFEIS Appendix D. A review of Table ARS (Appendix A in the TIS) which summarizes the number of crashes at each location indicates that with the new data obtained from the NYSDOT, there were a total of 84 crashes (compared to 38 crashes obtained solely from the Town/Village Police Department and evaluated in the SDEIS). A review of the accident information provided in the TIS reveals that the intersection of Croton Dam Road with Route 9A had a total of 25 crashes. The Table also reveals that the segment of Route 134 between Hawkes Avenue and NY Route 9A experienced 39 crashes.

Table ARS also compares the calculated accident rate at each location to the statewide accident rate for similar types of intersections and roadways. Six (6) of the study intersections have accident rates above the statewide average. At four (4) of the six (6) locations, there were only 1 or 2 crashes in the study period and the Applicant notes that the higher than average rate is due to the relatively low traffic volumes experienced at these locations.

The Applicant also states that the "...relatively low projected traffic volumes associated with the proposed development are not anticipated to significantly affect the existing accident patterns throughout the surrounding network."

***KH Comment: The Applicant has provided the requested additional accident information and analysis. We agree that the Project would not have a significant adverse impact on the existing crash patterns as the added traffic from the Project would represent only a very small percentage of the overall intersection traffic volumes.***

SFEIS Comment Nos. 9-7, 9-8 and 9-10 (Trip Generation & Distributions)

*SDEIS Comment:* *The Applicant was asked to revise the trip generations using the latest (11<sup>th</sup>) Edition of the Institute of Transportation Engineers' (ITE) "Trip Generation Manual" and to revise or justify*



*the imbalanced arrival and departure distributions along Croton Dam Road. Also, the Applicant was to update the Build analyses due to the modifications to the trip generations and distributions.*

SFEIS Response: The Applicant revised the trip generations using the 11<sup>th</sup> Edition of the *Trip Generation Manual*. The Applicant modified the trip distributions to provide a balanced distribution along Croton Dam Road (60% to/from the east and 40% to/from the west). The Build analyses were recomputed which revealed that the change in trip generations and distributions do not result in a notable change in the SDEIS analysis results.

***KH Comment: The revised trip generations result in an increase of only one (1) trip during the AM peak hour with no increase in trips during the PM and Saturday peak hours.***

***The Applicant has modified the trip distributions appropriately and in accordance with existing residential traffic flows. The revised analyses provided in the TIS indicate that, compared to the No-Build condition, the proposed redevelopment of the site will not have a significant adverse impact on traffic conditions at the critical intersection of Route 9A with Croton Dam Road, nor at the other study intersections.***

SFEIS Comment No. 9-9 (Synchro Analysis)

*SDEIS Comment:* *The Applicant was asked to revise the analyses using the latest edition of Synchro (Version 11).*

SFEIS Response: The Applicant responded that both the Synchro 10 and Synchro 11 versions of the software are based on the methodologies of the 6<sup>th</sup> edition of the Highway Capacity Manual (HCM 6) and that the SDEIS analysis results are based on HCM 6. Analysis conducted with Synchro 11 would provide the same results as the analyses conducted with Synchro 10.

***KH Comment: We find this response to be acceptable.***

SFEIS Comment No. 9-11 (Queuing and Mitigation)

*SDEIS Comment:* *As the Project will increase the queuing along northbound Croton Dam Road at the intersection with Route 9A, the Applicant was asked to explore mitigation measures to reduce the impacts to traffic flows.*

SFEIS Response: The Applicant states that mitigation measures have been explored and they are proposing to install “Do Not Block the Box” signing and striping on the northbound Croton Dam Road approach to the intersection with NY Route 134 (Kitchawan State Road). A concept plan showing the proposed improvements is provided in the TIS (Figure CI-1).

***KH Comment: We find the proposed mitigation to be acceptable, as during periods with long northbound queues, it would allow for vehicles exiting NY Route 134 to enter northbound Croton Dam Road.***

SFEIS Comment No. 9-12 (Sight Distances)

*SDEIS Comment:* *To ensure that acceptable sight distances are provided at the site driveway intersection on Croton Dam Road, the Applicant was asked to confirm that the existing stone wall and pillars would be moved out of the sightlines and the vegetation impacting sightlines will be removed/kept clear.*

SFEIS Response: The Applicant has confirmed that the existing walls adjacent to the site driveway are to be



relocated to improve the sight distance.

***KH Comment: The SFEIS response should also indicate that the Applicant will remove or clear the vegetation along Croton Dam Road that would impact exiting drivers' sightlines.***

SFEIS Comment No. 9-13 (Site Plan)

***SDEIS Comment: To improve safety, the Applicant was asked to add sidewalks and crosswalks along certain areas of the development's internal roadways. The Applicant was also requested to indicate if on-street parking will be permitted along the internal roadways or if parking is to be prohibited during any or all hours of the day.***

SFEIS Response: The Applicant has responded that the majority of the streets within the site will have sidewalks to the extent possible given the Site's constraints and indicated that sidewalks will be incorporated during the site plan phase of the review process.

Regarding parking along the internal roadways, the Applicant states that "on-street parking will be permitted in areas of the housing clusters", and that "There has been no determination as to hours when this will be permitted...". The determination will be made based on observations of usage

and the desires of the association once the association is established and operative.

***KH Comment: The Applicant should work closely with the Town during the site plan approval phase to provide sidewalks in appropriate areas. Regarding parking, the Applicant should add to the site plan the extent of the proposed on-street parking as currently envisioned as parking in certain areas could impact sightlines and vehicular circulation.***

***We note that the SFEIS site plan layout has been modified from the plan proposed in the SDEIS. The new plan reduces the number of units in the area near First and Second Avenues and increases the number of units in other areas of the property. The SFEIS plan results in a net increase of one (1) unit to 96 total units compared to the 95 units in the SDEIS plan.***

SFEIS Comment No. 9-14 (Alternatives)

***SDEIS Comment: The Applicant was asked to revise the trip generations for the Alternatives comparison table (Table V-1) using the 11<sup>th</sup> Edition of the ITE's "Trip Generation Manual".***

SFEIS Response: The Applicant has recalculated the trip generations for the Alternatives using the 11<sup>th</sup> Edition of the ITE "Trip Generation Manual".

***KH Comment: We find that the trip generations for the Alternatives have been calculated correctly.***

SFEIS Comment No. 9-15 (Construction Traffic)

***SDEIS Comment: The SDEIS indicates that all trucks will use either NYS Route 9 or NYS Route 9A and travel on Croton Dam Road to the site. However, signage indicates that trucks exceeding 5 tons are prohibited from traveling along Croton Dam Road.***

SFEIS Response: The Applicant responds that the "...route along Croton Dam Road between NY 9A and the subject property does not contain any bridges or other vehicle load sensitive crossing. Section 188-20 of the Town of Ossining Code permits an exception from the 5 ton weight limit along Croton Dam Road for local delivery or pickup of materials. Based on this section of the Town Code, the construction trucks destined to/from the site would be exempt from this prohibition."

***KH Comment: Croton Dam Road is winding and steep at its west end, with a maximum grade of 10%. This is likely the reason for the 5-ton weight limit. It is recommended that construction trucks be required to access the site via Croton Dam Road from Route 9A only.***

### **SFEIS Responses to Public Comments**

#### **SFEIS Comment No. 9-16 from Town of Ossining Town Board (Route 9A Improvements)**

***SDEIS Comment:*** While there are now proposed to be fewer units than the 188 that was previously proposed, 95 townhomes is still a lot of additional people – and cars – in the community and this specific area that already deals with a lot of traffic congestion. And because of the size of the townhomes, there could potentially be more people living in each unit than in the prior proposal. In light of this, the Town Board would like to see the improvements to the Route 9A intersection that were proposed as part of the previous proposal reincorporated into the project.

SFEIS Response: “The 55+ requirement of the Project requires the units to be marketed and sold to an older empty-nester audience. The purchaser profile is not a peak hour commuter and is either pre-retirement, retired, or retired with part-time work that will be handled in the dens planned for these units. The traffic analysis performed by JMC Engineers and reviewed by Kimley-Horn's traffic engineers demonstrates that River Knoll will have imperceptible traffic impact to the NY 9A/Croton Dam Road intersection at peak hours. Virtually all traffic that impacts this intersection is caused by commuters from either the north, south or east locations. The comparison to the density of the prior multifamily plan serves no purpose because the profile of renter of that use is a much younger professional that will commute at peak hours. Recognizing this, the prior proposal did offer to provide certain improvements to this intersection. However, we may be amenable to a town-led and managed traffic improvement district for this intersection that solicits and/or imposes fees, on a pro-rata basis, from surrounding uses.”

***KH Comment: The analysis conducted by the Applicant reveals that poor traffic conditions are currently experienced at the intersection of Route 9A with Croton Dam Road. In the future with background traffic growth and traffic from either the former hospital use of the site or with the proposed senior housing, delays will increase under No-Build and Build conditions. Compared to the former hospital use of the site, the Proposed Action will generate 31 fewer trips during the weekday AM peak hour, 35 fewer trips during the weekday PM peak hour and 28 fewer trips during the Saturday peak hour. When compared to the previous 188-unit apartment development proposed for the site, the 96-unit Project will add 61 fewer trips during the weekday AM peak hour, 77 fewer trips during the weekday PM peak hour and 45 fewer trips during the Saturday peak hour.***

***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.***

***At the Route 9A intersection with Croton Dam Road, the analysis provided in the TIS reveals that, compared to No-Build conditions, the greatest impact from the Proposed Action is an increase in average delay of one (1) second (on the southbound Croton Dam Road approach) during the weekday PM peak hour.***

**End of KH memo.**

Mr. Mencher also highly recommends a requirement for the applicant to study school bus activity in the neighborhoods around the property.

Ms. Sharrett submitted the following comments for review:

Planning Board Review  
Riverknoll FEIS (Dated December 2022) March 15,  
2023

**Section I. Project Description & Section II. SFEIS Executive Summary**

Both of these sections should be revised to address changes to be made based on Planning Board comments regarding Section III. Response to Comments on the SDEIS

**Section III. Response to Comments on the SDEIS**

**III.C. SDEIS Response Sections Corresponding to the SDEIS**

**III.C.1.B**

- 1.B-2A: Hours which amplified music can be played should be reasonably restricted as part of the site plan. This should be stated in the SFEIS.
- 1.B-6:
- Response a): This makes no sense.
- Response c): The existing mature trees serve as effective stormwater systems. The loss of this eco-service has not been analyzed but should not be discounted.
- Response d): The area alongside First and Second Avenues requires further analysis to determine its hydrology and wetland status. This area is at a lower elevation than the adjacent wetland and has the potential to be inundated during storms events and other times.

It should be noted that the EAC has received positive identification from Cornell Cooperative Extension that the plant which has colonized portions of this low elevation area is *Arundinaria gigantea* (Walt.) Muhl., a native high-wildlife-value Facultative Wetland species with the potential to indicate the presence of wetlands.

- 1.B-7:
- Response C): The rationale of this comment is to address the potential of significant adverse impacts as a result of this project.
- 1.B.14 – B-15: The applicant’s response does not answer or address the submitted comments.
- 1.B-16: It is the applicant’s opinion that engineered retaining walls are more secure than natural hillsides. This statement ignores recent engineered retaining wall collapses. Analysis of bedrock should be submitted.
- 1.B-17: Certification of clean fill should be required on the site plan. This should be noted in the SFEIS.

**III.C.2**

- 2.4: Have the images been revised? Re: lower lying areas: see **III.C.1.B.** Response d).
- 2-9: Does not address gas heating or gas pipeline. This response does not address state and local renewable energy goals. The existing Project site has an abundance of mature trees which serve as effective stormwater systems. The loss of this eco-service has not been analyzed but should not be discounted. Risks to birds from large expanses of windows are not addressed.
- 2-11 - 2-12 Mitigation to prevent bird window strikes should be addressed in the site plan and should be noted in the SFEIS. The proposed large expanses of windows will be located at some of the highest elevations in our town which is within the Atlantic Flyway Migratory Route. Waiting for bird mortality and hoping that future residents would address this is unacceptable.

**III.C.3**

- 3-1 See **III.C.1.B.** Response d). The Wetland Consultant’s report should be provided.

**III.C.4**

- 4-2, 4-5, 4-6, 4-9: The applicant’s responses do not answer or address the submitted comments. 4-3 See **III.C.1.B.** Response d).

**III.C.5**

5-1

Bioretention systems with native plants are recommended in the NYS Stormwater Design Manual (Appendix H). The proposed infiltration system handles stormwater but is devoid of eco-service benefits to improve and protect wildlife biodiversity. Large expanses of non-native grass lawns with high maintenance requirements should not be considered in this project which proposes so much environmental loss due to the tremendous amount of tree removal, disturbance of slopes and natural typography, tremendous increase of impervious surfaces, and impacts from noise and artificial lighting – all tremendously impactful to the existing wildlife (to include birds and the insects which feed them and their broods). Bioretention systems with native plants should be proposed.

5-2

The applicant's response does not answer or address the submitted comments.

5-7

See **III.C.5.** 5-1

**III.C.6**

6-1

See **III.C.5.** 5-1

6-3

See **III C.2.** Response 2-11 – 2-12

6-6

The should be stated as "The number of mature trees (6 – 40" DBH) proposed to be removed is 443. The number of trees (less than 6" DBH) to be planted is 450." As stated, the applicant's response appears to minimize the impact of tree removal.

6-9

The Landscape Plan submitted during the Site Plan Review should specify that invasive plants will continually be controlled, and that an ongoing Landscape Maintenance Plan Agreement will be required. The SFEIS should note this.

6-13

See **III.C.1.B** Response d):

6-12 – 6-14

An updated Tree Inventory which identifies the tree species by both common and scientific Latin nomenclature, and their GIS location, should be performed during the Site Plan review process. The Town's Tree Warden should verify the findings. This should be noted in the SFEIS.

**III.C.12**

12-6

Construction should not be permitted on Sundays or nationally recognized holidays.

**III.C.17**

17-6, 17-9 – 17-12, 17-14, 17-16: The applicant's responses do no answer or address the submitted comments.

**End of Memo by Donna Sharrett**

Mr. Enriquez submitted the following comments:

1. Section II.A (Introduction)

- a. Please clarify how the additional 20 stacker units are configured and indicate square footage. Are they individual units sitting atop each other? Will the 10 affordable units be grouped similarly?
- b. Please indicate square footage of typical market rate units.

2. Section III.C.IB (Comments Regarding SDEIS Project History and Proposed Project Description)

a. Response No.IB-7.c

- i. The response does not answer the concern. While land disturbance will be difficult to minimize, the harsh effects can be reduced with green strategies. Adapting an open grid paving system with 50% imperviousness for parking and roadways as opposed to black-tops will reduce surface water run-off as well as heat-island effect. Is the project open to open grid paving systems?

b. Response No. 2-5

- i. The response does not fully address the concern. We need clarity on what makes these units affordable.

c. Response No. 2-9 (Sustainable Infrastructure)

- i. This is a Compliance with the NYS Energy Conservation Code (NYSECC) is required for

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all new construction. Emphasis is given to the roof and the building envelope. The energy features mentioned are mostly baseline requirements. Exceeding these should be the objective. Windows are among the most exposed part of a home and provides the most opportunities for energy loss. A 3-pane window for instance provides better control for energy transference than 2-pane windows. Indicate what features (if any) will be adapted to exceed the baseline requirements of the NYSECC.

- ii. The proposed energy efficient technologies are all commendable. Buildings and their construction from a 2019 survey are responsible for 39% of GHG emissions. Operational carbon (heating and cooling) makes up 28% and the remainder is from embodied carbon (carbon generated from producing and transporting the material). Please indicate if a non-combustion (non-fossil fuel) based energy source can be factored into the design and provide your strategy on how the project can reduce embodied carbon. We understand this will add to the upfront cost. But it can be offset by a slight reduction in unit sizes.

d. Response No. 17-5

- i. *“The Applicant is studying the use of solar panels and the unit designs will allow for the inclusion of solar panels – either during vital construction or for subsequent installation by a unit owner.”* Advise if further consideration has been given to this Net-Zero strategy. The development density of River Knoll will be an opportune time to commit to lowering GHG emissions. Installation of a nominal 2,000-watt solar panel system will generate substantial monthly savings for a homeowner and will greatly reduce the strain on our electrical grid specially during peak hours.

**End of Memo by Manny Enriquez**

#### **Minutes**

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**A motion was made by Mr. Mencher, seconded by Mr. Enriquez and unanimously passed by the Board to adopt Planning Board Meeting Minutes of February 15, 2023.**

#### **Adjournment**

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**A motion was made Mr. Mencher, seconded by Mr. Enriquez and unanimously passed by the Board to adjourn the Planning Board meeting to April 19, 2023.**

Time Noted: 10:00 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board