

Town of Ossining
Building and Planning Department
101 Route 9A
PO Box 1166
Ossining, New York 10562

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APR 08 2021

Town of Ossining
Building & Planning Department

Re: River Knoll Supplementary Draft Environmental Impact Statement
April 3, 2021

To The Town of Ossining Planning Board,

I was happy to see a February 25th 2021 press release expressing the Town and Village of Ossining's commitment to "invest more heavily in urban forestry, tree and plant management, and eliminating invasive species."ⁱ This declaration comes at an apropos time—as the Town Planning Board conducts a Public Scoping Session regarding Hudson Park Group, LLC's River Knoll Project Supplementary Draft Environmental Impact Statement.

The River Knoll project's Draft SEIS makes no mention of how Hudson Park Group, LLC would control the spread of Japanese Knotweed (*Reynoutria japonica*), an invasive species prohibited under New York State's Invasive Species Regulations and currently present on the Stony Lodge Property. This pernicious species spreads easily, damages native ecosystems (especially in wetlands such as the one located near First Avenue), and has even brought down the value of residential properties.ⁱⁱ As such New York State has outlawed the sale, importation, purchase, transport, or the intended introduction or *unintended* escape of Japanese Knotweedⁱⁱⁱ while the University of California Agriculture and Natural Resources notes the species is "considered one of the top 10 most aggressive, destructive and invasive plants in the world"^{iv}

As outlined in The New York State Department of Transportation's *Invasive Species Control Methods for Design, Construction and Operations*, Knotweed's ability to "rapidly colonize areas of disturbed soil, out-compete native species and become firmly established very quickly, [which is why] it is essential to minimize areas of soil disturbance". In addition, "mechanical mowing spreads invasive plant seeds and that each segment of [Knotweed], including the rootstock, can vegetative sprout a new plant."^v With this being said, it is imperative that Hudson Park Group, LLC provide a detailed outline of how the project will control the spread of Knotweed by utilizing best practices laid out by New York State's Department of Environmental Conservation, Department of Transportation, and the Rapid Response Framework for Invasive Species.^{vi}

River Knoll's PLP1 Preliminary Layout Plan shows that development and construction would disrupt a stand of Knotweed that is present along Narragansett Avenue (see photos in appendix), yet there is no mention of how any species of knotweed or other invasive species will be safely disposed. The project must account for all control measures and use best practices when moving the plant itself or affected soil.¹ Failure to do this would

¹ See DOT Guidelines: Disposal- Proper disposal of harvested invasive plant parts and soil containing invasive plant seeds or root stock (and rhizomes) is essential to control the spread of invasive plants. Full consideration should be given, as appropriate, as follows:
Transportation -While on the treatment site, bag all cut living plant material in heavy duty, 3 mil or thicker, black contractor quality plastic clean-up bags. Securely tie the bags and transport from the site in a truck with a topper or cap to securely fasten the load, in order to prevent spread of the plant material from the project work site.
Transport the material
to an appropriate disposal location;

Compost - Because of the extremely robust nature of invasive species, composting in atypical backyard compost pile or composting bin is not appropriate. However, methods can be used whereby sun-generated heat can be used to destroy the harvested plant materials (excluding seeds and seed heads). For instance, storage in a sealed 3 mil thickness (minimum) black plastic garbage bags on blacktop in the sun until the plant materials liquefy is effective. If a larger section of blacktop is available, make a black plastic (4 mil thickness minimum) envelope sealed on the edges with sand bags. The plant material left exposed to the sun will liquefy in the sealed envelope without danger of dispersal by wind. The bags or envelopes must be monitored to make sure the plants do not escape through rips, tears or seams in the plastic;

risk the spread of the invasive species on the property itself but also threaten neighboring properties as well as any property along a truck route in which the carting contaminated soil or vegetation has been done improperly. Our community cannot risk the ecological and potentially economic pressure such a failure would present.

While this letter focuses on the need for the SDEIS to control for invasive species, another concern is related to the SDEIS' discussion of the development as "55 or over." As River Knoll is presenting this development as "an age-restricted project" the SDEIS needs a much more rigorous discussion of what 55 and over means. This would include the guidelines set by The Department of Housing and Urban Development such as explaining "the kind of advertising used to attract prospective residents to the housing facility/community as well as the manner in which the facility/community is described to prospective resident" as well as "publish[ing] and adhere[ing] to policies and procedures that demonstrate an intent to provide housing for persons 55 years or older." ^{vii} In addition, the SDEIS should include a much more thorough explanation of how the development's 55 or older status will not overburden an already crowded school system.

Lastly, the SDEIS needs to clearly articulate when its updated traffic studies will be conducted. Currently, the COVID-19 pandemic has changed traffic patterns in Ossining. Any study should only be conducted when patterns resemble the pre-pandemic norms. Conducting any study before would undoubtedly present data that does not match Ossining's pre-pandemic patterns on town and village roads that are already plagued by traffic, a lack of parking, and potholes.

Ossining's citizens deserve a robust and unyieldingly transparent SDEIS from the Hudson Park Group, LLC as well as an open dialogue between citizens and the Planning Board. My hope is this letter contributes to that process.

Best Regards,

James May
61 Narragansett Ave.
Ossining, NY 10562

Bury - Due to the incredible capacity of many invasive species to reproduce by seed, clone and vegetative propagation, it is absolutely imperative that spoil material contaminated with invasive plant material NOT be disposed-of in an indiscriminant manner. It is recognized that the Contractor owns spoil material and therefore, contract documents should identify locations of contaminated soil and address disposal options. Spoil material that contains invasive plant material should be buried with at least two meters (6 feet) of uncontaminated fill material;

Landfill/ Incinerator -If harvested invasive plant parts or spoil material containing invasive plant material is not composted or buried, it should be transported directly to a sanitary landfill operating under current 6 NYCRR Part 360 regulations for proper disposal;

NYSDEC Quarry/ Mine Reclamation- Material may be transported to an approved quarry/ mine site that is accepting infested material. Regions, such as Region 7, have found potential sites and are inputting information on GIS for future consideration;
Approved NYSDOT disposal facilities- Surplus properties may offer opportunity for use as disposal facilities, maintained by Regional Operations Groups. To the maximum extent possible, dispose of infested material on-site when site conditions are favorable for such disposal. For projects that do not include eradication efforts (eg: site locations found within large contiguous infestations), but produce infested surplus soil, consider disposal in infested upland areas within the ROW, when practicable. While this option does not eliminate the infestation, it minimizes potential spread off-site, as well as minimize off-site disposal cost. Stabilize soil using E&SC practices, such as seed and mulch.

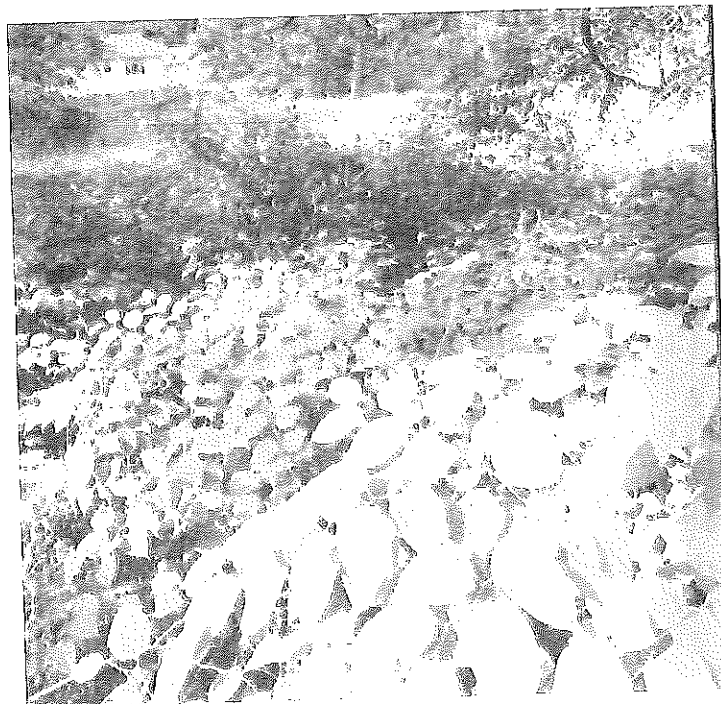
APPENDIX



Known stands of Knotweed indicated by "X"



Knotweed along Narragansett Ave



Knotweed long Narragansett Ave



Knotweed near Narragansett Avenue

Notes

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- ⁱ “VILLAGE & TOWN OF OSSINING CELEBRATE BEING NAMED TREE CITIES FOR 2020 BY THE ARBOR DAY
- ⁱⁱ Middleton , Christopher. Japanese Knotweed: The Invasive Plant That Eats the Value of Your Home. Newsweek, February 21, 2016.
<https://www.newsweek.com/japanese-knotweed-driving-men-murder-257257>.
- ⁱⁱⁱ “New York State Prohibited and Regulated Invasive Plants.” New York State & Cornell University, September 10, 2014.
- ^{iv} “Japanese Knotweed Frequently Asked Questions - UCANR.” Marin Knotweed Action Team. Accessed April 3, 2021.
<https://ucanr.edu/sites/MarinKnotweedActionTeam/files/297095.pdf>.
- ^v “ATTACHMENT 1 INVASIVE SPECIES CONTROL METHODS FOR DESIGN, CONSTRUCTION AND OPERATIONS.” New York State Department of Transportation . Accessed April 3, 2021.
<https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/repository/AllInvasive.pdf>.
- ^{vi} Division of Lands and Forest, Invasive Species Coordination Section. “DLF-16-1 / Rapid Response for Invasive Species: Framework for Response.” New York State Department of Environmental Conservation, December 2016.
- ^{vii} “Questions and Answers Concerning the Final Rule Implementing the Housing for Older Persons Act of 1995 (HOPA).” US Department of Housing and Urban Development . Accessed April 3, 2021.
https://www.hud.gov/sites/documents/DOC_7769.PDF.