



MEMORANDUM

TO: Carolyn Stevens, Chair, and the Town of Ossining Planning Board

FROM: Valerie Monastra, AICP
Scott Newhart

CC: John Turnquist, Town of Ossining Building Inspector
Dan Ciarcia, PE, Town of Ossining Planning Board Engineer
Kathy Zalantis, Esq., Town of Ossining Planning Board Attorney

SUBJECT: River Knoll Supplemental Final Environmental Impact Statement (SFEIS) Review

DATE: March 10, 2023

We have reviewed the Supplemental Final EIS for River Knoll prepared by JMC Planning, Engineering, Landscape Architecture, and Land Surveying, PLLC, dated December 2022.

We offer the following comments for the Board's consideration. Based on the comments set forth in this memorandum, it is recommended that the Lead Agency request the Applicant to incorporate the additional information that is missing from the responses to the comments.

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.

If you have any questions or concerns regarding our review, please do not hesitate to contact us.