
MEMORANDUM

TO: Town Supervisor Feldman and Members of the Town Board

FROM: Valerie Monastra, AICP, Town Planner

Christie Tomm Addona, Esq., Town Board Attorney

Re: Response to Public Comments on River Knoll (40 Croton Dam Road) public hearing

DATE: December 8, 2023

The Town Board is considering a rezoning petition to rezone 40 Croton Dam Road, identified as tax lot 89.08-1-83, from R-15 (One-Family Residence 15) to MF (Multifamily Residence).

The Town Board held a public hearing on this zoning petition on November 28, 2023, and the public expressed concerns on the following topics:

- The project would generate school children.
- The project is inconsistent with the 2022 Comprehensive Plan.
- The project will require additional zoning variances.
- The project does not adequately provide emergency access.
- The project will cause traffic problems.
- The project will be out of scale with the neighborhood.
- The buildings require historical and archeological investigations.
- Rezoning of this project will result in spot zoning.
- Rezoning this project will result in additional rezoning petitions from other properties.
- Certain procedural issues related to the zoning petition before the Town Board.

This memorandum provides a summary of the publicly available information that addresses these items and where additional studies can be found for further review and details.

Summary Project Changes to Reflect Public Concern:

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). 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. In response to those comments, the Applicant redesigned the project and now proposes to construct a 96-unit 55+ age-restricted townhome condominium community (Proposed Project) on 17.89 acres of which 16.68 acres is situated in the Town and is known as the Project Site. The

Proposed Project seeks to utilize the Town's existing MF (Multifamily Residence) zoning district – and therefore the Town Board is no longer being asked to create a new zoning district – to accommodate the proposed use and the portion of the Project Site located in the Town would be re-mapped from the One-Family Residence (R-15) District to the MF District for the construction and operation of this specific project. Multifamily housing is a permitted use in the MF district.

The Proposed Project comprises 86 market-rate and 10 affordable for-sale condominium or PUD (Planned Unit Development) townhouse units. 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. Approximately 11.4 acres (495,457 square feet) of undeveloped permanent open space would be provided.

The Town of Ossining Planning Board has served as lead agency for a coordinated review pursuant to the State Environmental Quality Review Act (SEQRA) for the different iterations of the project. Since the project was redesigned as the Proposed Project in 2020, the Planning Board has engaged in a Supplemental Environmental Impact Statement process, which documents have been made contemporaneously available to the public and discussed at many public Planning Board meetings in the ensuing three years. Initially, the Applicant was required to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) to address the potential environmental impacts identified in the public Scoping Document. The Planning Board held a public hearing and received public comment on the SDEIS, including from the Town Board, after which the Applicant was required to prepare a Supplemental Final Environmental Impact Statement (SFEIS) to substantively address the comments raised. Once the Planning Board was satisfied with the SFEIS, the Planning Board accepted it and subsequently issued a Findings Statement identifying all the ways in which the Proposed Project would mitigate any potential adverse environmental impacts to the greatest extent possible, which ended the SEQRA process. If the Town Board approves the zone change, the project will still have to go back to the Planning Board for site plan consideration.

The documents themselves – including the SDEIS, SFEIS and Findings Statement – for this project can be accessed through the link below. Much of the information contained in this memo comes from the SEQRA documents.

<https://www.townofossining.com/cms/boards-committees/planning-board/planning-board-archive/pbproj-under-review/river-knoll-arb>

In response to comments received on the SDEIS, the applicant modified the Proposed Project as described below.

The Planning Board raised concerns with the heights of the proposed townhouses and retaining walls adjacent to First and Second Avenues. 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, and the retaining walls have been reduced in height to approximately eight (8) feet at their highest. The retaining walls will be designed by a licensed engineer to the satisfaction of the Town's engineering consultants. All structure installation adjacent to First and Second Avenues will be further setback than the existing building.

Additionally, the walls will 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 shall 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 will be planted between the buildings at the top of the wall and outside the geo-grid zone behind the walls where appropriate. Access will be provided between the two wall tiers for maintenance purposes. Additionally, the walls will be fully landscaped with ornamental grasses and plantings. All of this will be analyzed and detailed in any site plan approval issued by the Planning Board.

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 will be roughly 1,400 square feet for a two- bedroom unit and 1,700 square feet for a three-bedroom unit.

School Children

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 and regulated by the Federal Fair Housing Act. 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). This Declaration will be recorded against the Property so that all potential, existing and subsequent property owners are aware of the age restrictions. However, individuals 19 or older residing with their spouse who satisfy 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 and the Town can also put restrictions on the land use approvals to this effect such that the certificate of occupancy can be revoked if the age restrictions are not complied with. Therefore, this project will not generate school children, a significant modification to the Proposed Project made specifically to address this concern.

Consistency with the 2022 Comprehensive Plan

The 2022 Comprehensive Plan “creates a blueprint for a more sustainable, equitable, and economically sound Town of Ossining.” The Plan’s goals, objectives, and strategies include a number that are relevant to the Proposed Project as identified by the applicant in the Final Supplemental Environmental Impact Statement. These are as follows:

Housing, Development & Preservation

- *Leverage development to ensure projects provide amenities beneficial to all members of the Town of Ossining community, including:*
 - *Mitigate impacts to municipal infrastructure and resources, including roads, sewage, and schools, where new development is to occur.*

The Applicant is proposing water system improvements that are similar to those previously prepared in connection with the Former Project which would further improve the function and

reliability of the Town/Village water system in the vicinity of the Project Site. These improvements include providing a “looped” system between Croton Dam Road and Narragansett Avenue which includes installing a new 8-inch water main through the Project Site within the new roadways. Because the Proposed Project is age-restricted, there will be no school children sourced from the Project. Thus, the Ossining Central School District will benefit from an increase in taxes paid by the property of approximately \$690,000 annually, with no increase in expenditures. The tax revenue is also significant given there is potential turnover of other large parcels in the Unincorporated Town, which could potentially significantly negatively affect tax revenue for both the School District and the Town (as well as the County and special districts).

- *Provide a range of housing that is diverse both in type and affordability.*

The Proposed Project provides 10 affordable homes, and separately provides a diverse housing type that is not currently present within the Town. That is, an age-restricted community. All 96 units will be age-restricted units pursuant to the Housing for Older Persons Act (“HOPA”). The Proposed Project will provide a new and upscale housing community choice type for residents age 55+ who wish to remain in Ossining and the Hudson Valley region and live among similar people without young children and with appropriate amenities.

Sustainable Infrastructure

- *Incentivize the use of green building practices and methods in Unincorporated Ossining.*
 - *Incentivize green building practices in new development.*
 - *Encourage environmentally sustainable building design to the extent these technologies are financially feasible.*
 - *Encourage the use of green infrastructure, including retrofitting existing drainage systems with advanced stormwater filtration capability.*
 - *Promote dark sky initiatives such as reducing nighttime lighting and updating infrastructure with “dark sky approved”, low-pollution nighttime lights.*

River Knoll will be designed to meet or exceed the NYS Energy Conservation Code (ECC), which requires the use of energy efficient products in all new construction. The exterior walls of the units will include thermal insulation and an air barrier to reduce heat loss in the winter and heat gain in the summer. Exterior windows will be double-paned insulated glass with low emissivity glazing. Mechanical systems will incorporate economizer cycles for energy conservation. Motion activated light sensors will be utilized to reduce power consumption in less frequented public areas.

The residential units will utilize energy efficient technologies including:

- White membrane heat-reflective roof lowering surface temperatures by up to 50% at peak times;
- 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;

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- 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 will be Energy Star-rated double-paned insulated glass.

The existing Project Site has no modern stormwater practices. The Proposed Project will be designed with two infiltration basins to provide water quality and retain stormwater runoff from the site. In addition, the proposed vegetative 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 lighting will be used for security and wayfinding. Minimal decorative down-lighting will be provided at the entrance to the Site. Lighting fixtures will comply with dark sky requirements through the use of shielded and directional lighting, to minimize up-lighting and reduce unnatural lighting on nocturnal wildlife.

Walkability

The following objectives in the Comprehensive Plan focus on expansion of sidewalks within the Town:

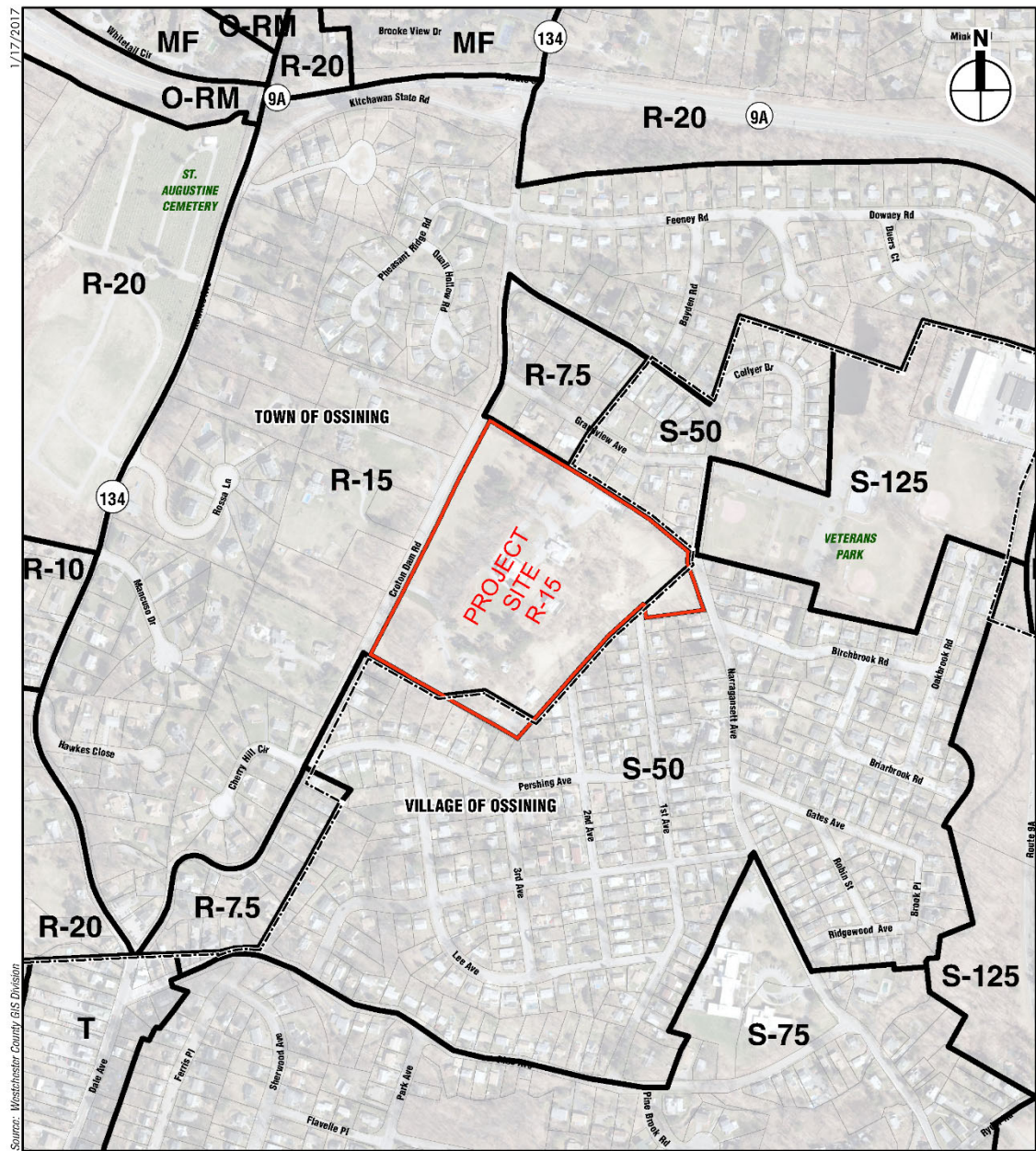
- *Leverage development to ensure projects provide amenities beneficial to all members of the Town of Ossining community.*
- *Work with developers to reach agreements benefitting all members of the Town of Ossining community, such as by investing in the network of sidewalks.*
- *Seek to expand walkability & pedestrian connectivity within the Town of Ossining*

The Proposed Project provides two 15-foot-wide emergency access roadways, one from Narragansett Avenue into the site from the east and the second, from Croton Dam Road to the west. Pedestrians and cyclists will be able to access and use the emergency access roads. A bicycle rack for bicycle parking is proposed at the clubhouse for the community.

In addition, the 2022 Comprehensive Plan also had the following objective, “*maintain the existing neighborhood character and scale.*” The Plan also notes that “*revitalizing neighborhoods and redevelopment should be prioritized over developing housing on undeveloped land.*”

This project would redevelop a site that is no longer in use and the Proposed Project will have similar density to the S-50 zoning district that is adjacent to the property, which requires 5,000 square feet properties (see Map below). The Proposed Project will also have similar heights to the single-family homes found in all of the zoning districts surrounding the property.

The Proposed Project would change the use on the Project Site from an institutional use to a compatible townhouse age-restricted residential use. The change in land use would be more consistent and in character with neighboring residential uses as compared to the previously existing institutional hospital use.



- Project Site
- Village/Town Boundary
- Tax Parcel Boundaries
- Zoning Boundaries

- MF** - Multi-Family
- O-RM** - Office-Research Manufacturing
- R-15** - One-Family Residential
- R-20** - One-Family Residential
- R-7.5** - One-Family Residential
- S-100** - One-Family Residential
- S-125** - One-Family Residential
- S-50** - One-Family Residential
- S-75** - One-Family Residential
- T** - One-Family Residential

0 500 FEET

RIVER KNOLL
Source: AKRF

Surrounding Zoning
Figure 3.A-2

Spot Zoning

According to the *Zoning and Comprehensive Plan James A. Coon Local Government Technical Series*, 2023 by New York State Department of State summarizes spot zoning as the following:

Spot zoning refers to the rezoning of a parcel of land to a use category different from the surrounding area, usually to benefit a single owner or a single development interest. Size of the parcel is relevant, but not determinative. Illegal spot zoning occurs whenever the change is other than part of a well-considered and comprehensive plan calculated to serve the general welfare of the community.

The Local Government Series also notes that “the fact that a rezoning will benefit a landowner will not on its own invalidate the action, so long as the action accords with a comprehensive plan. But to be in accordance with the plan, the rezoning must also further some clearly identified public purpose.”

An examination of the Town Zoning Map indicates that the existing MF districts encompass large, single lots, similar to that of the site of the proposed project. These isolated MF zoning district lots show that a rezoning to the MF district is not considered spot zoning based on these precedents.

Further, this site is unique in that it is a 17-acre former psychiatric facility. This psychiatric facility use was legal nonconforming for the decades it operated and predated the ownership of many of the surrounding parcels. Further, this property is exponentially larger than the single-family residential lots surrounding it. Converting this much larger parcel that is unlike the surrounding properties to multifamily residential would be more consistent with the character of the neighborhood than the prior, longstanding medical/commercial use. While there will inevitably be a benefit to the property owner from the Proposed Project, the property owner could have justifiably proposed potentially redeveloping this parcel for any number of commercial uses based upon its distinct size, location and historical use. So, the rezoning for this Proposed Project should not be viewed in a vacuum, but in terms of what is consistent with the residential neighborhood and the needs of the Town based upon the Comprehensive Plan.

Further, this property is unique in that it is only accessible by Croton Dam Road. It is not located in a neighborhood and is not accessed through one of the surrounding neighborhood streets. In addition, the Alternatives Analysis of the SDEIS found that the Proposed Project, based on existing site conditions, would result in less environmental impacts to the traffic, wetlands, steep slopes, and site disturbance than if the site were developed under the existing single-family residential zoning. It would also result in less open space and more school children, which was a primary objection of the public to the Former Project.

In addition, as discussed above, the Town’s 2022 Comprehensive Plan noted the need for additional housing, affordable housing, and housing options. This site provides housing opportunities for the Town, which is especially significant in light of the initiatives for which the Governor is advocating to potentially compel/incentivize municipalities to create housing within certain time periods. With the Proposed Project, the Town would be able to create housing under circumstances it can control. The 2022 Comprehensive Plan also promotes the preservation of open space and reduction of disturbance to environmentally sensitive resources and sustainable development, which has been thoroughly vetted by the Planning Board during the SEQRA review.

Potential Additional Zoning Variances

Table 1, Zoning Table in the SDEIS reflects the Proposed Plan and the MF requirements.

Table 1 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 (sq.ft.)	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.

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 specifically for this Proposed Project. 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).

Area variances from certain other dimensional requirements of the MF zone may be required. It is only anticipated that variances would be required from Section 200-16(A)(b) in connection with the minimum distance between principal buildings; Section 200-16(A)(d) in connection with the children's play area; and Section 200-16(A)(3)(a) for one building that would have seven units instead of six.

Emergency Access

Vehicular access to the development will be provided at the same location as the existing site driveway. Two 15-foot-wide emergency access roadways are provided, one from Narragansett Avenue into the site from the east and the second, from Croton Dam Road to the west. These alternative access roads will only be utilized by vehicles in the case of emergencies.

Traffic

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 clubhouse for the community. Pedestrians will be able to access and use the emergency access roads.

This project provided a traffic impact study, which can be found in Appendix D of the SDEIS and Volume 2 of the FDEIS, both of which are accessible through this link below:

<https://www.townofossining.com/cms/boards-committees/planning-board/planning-board-archive/pbproj-under-review/river-knoll-arb>

In addition, the Town of Ossining had a traffic consultant review the traffic studies and provide comments.

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 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.

Overall findings found that the intersections studied under build conditions are projected not have an adverse impact on the levels of service during the peak weekday AM and PM hours. During the peak Saturday midday hour, the Pershing Avenue approach to its intersection with Croton Dam Road is projected to increase by 0.4 second as compared to no-build conditions. In general, all other movements at the studied intersections under build conditions are not projected to cause an adverse impact on traffic during the peak Saturday midday hour under 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 already exceed the available queue length under existing conditions.

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 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.

The Proposed Project would have similar density to the S-50 zoning district that is adjacent to the property, which requires 5,000 square feet properties. The Proposed Project would also have similar heights to the single-family homes found in all of the zoning districts surrounding the property.

The Proposed Project would change the use on the Project Site from an institutional use to a compatible townhouse age-restricted residential use. The change in land use would be more consistent with neighboring residential uses as compared to the existing institutional hospital use.

Additional measures that are to be incorporated into the overall Project are as follows:

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

Historic and Archeological Review

The Project Site contains nine buildings and structures that are part of the former Stony Lodge Hospital – all of which were proposed to be demolished as part of the Former Project and Proposed Project. 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). In response to a notification about the Former Project, in 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 and the other structures on the property that 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). 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 2015, OPRHP also requested that a Phase 1A Archaeological Documentary Study (“Phase 1A Study”) of the Project Site be prepared to determine if there were any areas of potential archaeological sensitivity within the Project Site. A Phase 1A of the Project Site was conducted and a Phase 1B study was conducted in May 2017 and found no archaeological artifacts. The Phase 1B archaeological investigation 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.

In addition, the OPRHP has this location identified as a completed review and closed project in its official records. No additional historic or archeological review is necessary.

The historic and archeological studies can be found in Appendix H of the 2018 DEIS and Volume 2 of the SDEIS, both of which are accessible through this link below:

<https://www.townofossining.com/cms/boards-committees/planning-board/planning-board-archive/pbproj-under-review/river-knoll-arb>

Additional Rezoning Petitions

The Project Site is unique in terms of its history, location, size, and site conditions. If the Town Board were to approve the rezoning, this would not set a precedent to other rezonings within the vicinity of the Project Site. Further, the other properties within the surrounding area are significantly smaller, already built-out and/or have approved subdivisions waiting to begin construction. And the Town Board generally only considers zone change petitions based upon a specific project that has undergone a thorough SEQRA review.

Procedural Items

Lastly, the Town undertook the following procedure as follows for this zoning petition:

- The zoning petition was referred to the Westchester County Planning Department on November 20, 2023, pursuant to NY General Municipal Law § 239-m. As of the date of this Memorandum, the Town is still awaiting a response and the public hearing will not be closed until those comments are received or 30 days have elapsed.
- Zoning Code § 200-52, which requires mailing a public hearing notice to all property owners within 500 feet of the property to be rezoned, only applies to zoning amendments “by the Town Board on its own motion or upon recommendation by the Planning Board” – which is not the case here. However, out of an abundance of caution and because the Town Board’s objective is always to ensure as much public knowledge and participation as possible, on December 1, 2023 a public hearing notice was mailed to all of the property owners within 500 feet of the Property as provided by the Town Assessor advising them of the public hearing scheduled for December 12, 2023.
- The following members of the public filed a protest petition with the Town: Valerio Santucci, Michella Santucci, Yellow Cove Corp, Valerie Schemmer, Louis Rinaldi, Maria Rosa, Tony

Santucci, Raymond Santucci and Ashley Santucci. The protest petition states that “[u]pon information and belief, the Petitioners own twenty percent 20% or more of the land directly opposite from the Property pursuant to Section 265(1)(c) of the New York Town Law and/or immediately adjacent thereto.” Without the calculations of the applicable area around the Project Site, the parcel sizes owned by the protest petitioners and their relation to the Project Site, and proof of ownership of the parcels referenced in the protest petition – none of which were provided in the protest petition – the Town is still investigating whether the protest petition satisfies the requirements of State law to require a supermajority vote on any affirmative action by the Town Board.