

TOWN OF OSSINING: COUNTY OF WESTCHESTER

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PUBLIC MEETING OF THE PLANNING BOARD

HIGH VIEW FARM, 123 A, B & C MORNINGSIDE DRIVE
AND BARNES ROAD DRAFT ENVIRONMENTAL IMPACT
STATEMENT SCOPING SESSION

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Joseph J. Caputo Community Center
95 Broadway
Ossining, New York 10562
April 29, 2015
7:30 p.m.

P U B L I C H E A R I N G

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INGRID RICHARDS CHAIRWOMAN
GREG MCWILLIAMS VICE CHAIR
DENNIS KIRBY MEMBER
GARETH HOUGHAM MEMBER
JIM BOSSINAS MEMBER

HOCHEMAN TORTORELLA & WEKSTEIN, LLP
Attorneys for the Applicant
One North Broadway, Suite 701
White Plains, New York, 10601-2319
BY: ADAM L. WEKSTEIN, ESQ.

ALSO PRESENT:
Wayne Spector, ESQ., Town Attorney
David Stolman, AICP, PP, from Frederick P. Clark
Associates, Inc.
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary

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1 CHAIRWOMAN RICHARDS: Good evening.
2 Thank for attending tonight's Planning Board
3 meeting for the Town of Ossining, April 29,
4 2015. Let us start with the pledge of
5 allegiance.

6 (Whereupon, a brief recess was
7 taken.) (The pledge of allegiance is
8 recited.)

9 CHAIRWOMAN RICHARDS: Thank you.
10 Tonight we have one item on our agenda, the
11 High View Farm scoping document. We will
12 first begin with a brief summary from
13 Mr. Stolman, on the scoping document and the
14 addition. Then we will move to our attorney
15 and our engineer. After that we will move
16 to our Board members and any comments they
17 may have, and then after that we will speak
18 to the applicant and open it up to the
19 members of the audience.

20 All of our comments we ask should be
21 based upon the scoping document, so that we
22 can move through the document and start to
23 finalize it, so we can move to the next
24 step. Okay. Mr. Stolman?

25 MR. STOLMAN: Do we have a microphone

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1 that I can use here.

2 THE CLERK: We do not, I'm sorry.

3 MR. STOLMAN: Okay. I'll try and
4 speak up. There are seats in the front if
5 people can't hear me. We took the
6 applicant's scoping document and we've
7 double underlined it and strike out, have
8 shown additions and deletions and other
9 things.

10 I had the benefit of comments from
11 the Planning Board and there were some other
12 correspondence as well, and what we have
13 here is a fairly lengthy document at this
14 point, it is currently sixteen pages, single
15 space, and just to sort of walk through the
16 general headings of the document anyway, it
17 is really kind of lengthy to go through it
18 word-by-word.

19 We have some general guidelines and
20 then we have a description of the proposed
21 action and the approvals that are required
22 for the proposed action, and then we get
23 into the scope of the document itself, and
24 by law you have to have a cover sheet on the
25 Draft Environmental Impact Statement.

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1 So, we have provided information as
2 per part 617 of the DEC's guidelines,
3 relative to putting together Enviromental
4 Impact Statement, which explains what has to
5 be included in the coversheet, there has to
6 be a table of contents and the first
7 official chapter is actually an executive
8 summary of the document of the DEIS, which
9 will talk about the proposal, the
10 alternatives, the potential adverse
11 enviromental impacts, mitigation measures.
12 And the executive summary also includes a
13 list of approvals and permits required for
14 the project.

15 Then, the second chapter is a
16 description of the project, and the project
17 is described in great detail as per the
18 scoping outline, and then chapter three is
19 pretty much the meat of the matter. There
20 are a variety of -- what we call a variety
21 impact issues, and I'll run through the
22 impact issues.

23 And in each case the DEIS has to
24 describe the exiting conditions, the
25 potential environmental impacts and the

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1 mitigation measures for the environmental
2 impacts.

3 So, the first issue area is wetlands,
4 and we have several paragraphs which
5 describe how about to -- how to go about
6 describing and evaluating the exiting
7 conditions, potential impacts and the
8 mitigating measures.

9 The second issue area is topography
10 and steep slopes. The third is stormwater
11 managements and subsurface water. The
12 fourth is vegetation and wild life. Then
13 come historical and archeological resources,
14 and once again, the scoping outline
15 describes how to discrep -- outlines how to
16 describe and evaluate the exiting
17 conditions, the potential environmental
18 impacts and the mitigation measures.

19 After historical and archeological
20 resources, we have infrastructure and
21 utilities, land use, zoning and community
22 character, which deals with visual impacts
23 as well, then traffic and transportation and
24 then the next area is community facilities,
25 then fiscal impacts of the project, cost

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1 benefit analysis and that kind of thing, and
2 then construction impacts, and all of those
3 have to be evaluated in terms of existing
4 conditions, potential impacts and mitigation
5 measures. There is a substantial amount of
6 detail as to how to go about doing that kind
7 of work.

8 And then chapter four is required by
9 SEQRA, it is a chapter about adverse
10 environmental impacts that cannot be avoided
11 if the project is implemented. And then
12 chapter five is possible alternatives and we
13 have alternatives regarding -- the first one
14 is a conventional layout meeting all of the
15 requirements that there are for a zoning
16 district, the balance of the zoning law and
17 the various other chapters of the Town code.

18 And then section B would be a
19 conventional layouts with lower lot counts
20 and then section C is a variety of different
21 cluster alternatives. And alternative D
22 includes an open space corridor, linking the
23 Peekskill Briarcliff trail way.

24 Section E has to do with alternative
25 project access if required by SEQRA, the new

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1 optional alternative, which is a discussion
2 of what would happen, what the situation
3 would be if the project is not implemented.

4 Chapter six is irreversible and
5 irretrievable commitment of resources.
6 Chapter seven is on road condition impacts
7 during the project. Chapter eight is on the
8 effects and use of energy resources and
9 solid waste management, and then we have
10 technical appendices regarding such things
11 as the natural resource studies. Stormwater
12 pollution prevention plan; the water and
13 sewer system reports, the traffic study.

14 Phase one, and if needed phase two,
15 cultural resources reports, and then all of
16 the various SEQRA documentation, it needs to
17 be included in the appendix as well, and
18 then lastly all official correspondence
19 related to the issues discussed in the DEIS.

20 So, that's just a synopsis and I am
21 hoping that most of you have copies of the
22 draft scoping outline, the first draft of
23 the Planning Board scoping outlines and if
24 you don't have one yourself perhaps you can
25 look with someone else.

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1 CHAIRWOMAN RICHARDS: Thank you.
2 Wayne, do you have any comments for us on
3 the scoping document tonight.

4 MR. SPECTOR: No, nothing other than
5 to say that Davis's firm in preparing this
6 document I believe followed the law, the
7 body of the law as far as what needs to be
8 included in this document, and it seems to
9 be a very complete document from the stand
10 point of what is legally required.

11 CHAIRWOMAN RICHARDS: Thank you,
12 Wayne. Dan, do you have any comments.

13 MR. CIARCIA: No, as far as the
14 utilities and stuff it has already been
15 covered. The Croton aqueduct, the
16 stormwater, and in looking at the adequacy
17 of the existing water, sewers, that is
18 really my focus and we will evaluate that
19 when the report is prepared.

20 CHAIRWOMAN RICHARDS: Thank you. So
21 now we are going to have the Board members
22 introduced themselves and if they have any
23 comments they would like to provide on the
24 document, we ask that you do that tonight.

25 UNIDENTIFIED SPEAKER: I can hear you

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1 but not everyone can. Can everyone maybe
2 speak a little --

3 CHAIRWOMAN RICHARDS: Okay. Okay.
4 Would you like to start?

5 MR. HOUGHAM: Sure. My name is
6 Gareth Hougham, and I sent a couple of
7 preliminary comments regarding the draft
8 scoping document that David sent around and
9 I'll summarize those now or some of them
10 anyway.

11 So, under chapter three section A,
12 wetlands. It was stated that it should
13 follow, if necessary, the US Army Corps of
14 engineers processes and I wonder whether or
15 not the New York State DEC regulations could
16 be more appropriate.

17 There has been a lot of discussion
18 among the Environmental Advisory Counsel
19 over the course of the last year about these
20 two different sets of standards, and there
21 are some significant differences.

22 And it might be worth speaking with
23 the EAC and -- to get their recommendation
24 for this particular project, what would be
25 most appropriate. That's something I would

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1 like to have consider.

2 MR. STOLMAN: Do you want a response
3 at this point?

4 MR. HOUGHAM: Sure, if you think a
5 response now would be --

6 MR. STOLMAN: They definitely have to
7 use the Town of Ossining wetlands law
8 regulations to delineate town wetland.

9 MR. HOUGHAM: Right.

10 MR. STOLMAN: There may be a report
11 of wetlands on the property as well, in
12 which they would use the Army Corp criteria
13 and perhaps come up with a different
14 boundary. If there are DEC wetlands, which
15 there are not, then they would use the DEC
16 criteria and maybe have a third boundary.

17 So, the criteria are different and if
18 there is an Army Corp wetland on there, then
19 they have to use the Army Corp regulations,
20 and we know it is the Town of Ossining
21 wetlands so they have to use the Town of
22 Ossining wetlands delineation criteria.

23 MR. HOUGHAM: Okay, okay.

24 MR. STOLMAN: So, depending upon who
25 has the jurisdiction, those would be the

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1 criteria that would be used.

2 MR. HOUGHAM: Okay. If there is no
3 New York State jurisdiction in this case
4 then the Army Corp sounds right --

5 MR. STOLMAN: And the Town of
6 Ossining.

7 MR. HOUGHAM: And the Town of
8 Ossining.

9 MR. STOLMAN: So, there may be two
10 different boundaries.

11 MR. HOUGHAM: There had been a
12 discussion about trying to modify the Town
13 of Ossining regulations, to adopt one or the
14 other as our standard approach, but that has
15 not yet been done, we have to go with what's
16 currently --

17 MR. STOLMAN: But that could --

18 MR. HOUGHAM: Okay.

19 MR. STOLMAN: -- but that could occur
20 during the, you know -- what you are talking
21 about now could occur during the process of
22 the applicant preparing the DEIS, and if
23 that happens, the applicant will be bound by
24 the new regulations, the new local
25 regulations.

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1 MR. HOUGHAM: True again. Under page
2 six, chapter three, section C. Stormwater
3 Management. I believe that there should be
4 an addition with the headline Historical
5 Flood Occurrence, and I'd like -- I would
6 recommend that the detail history of
7 flooding along the North State Road corridor
8 be prepared.

9 There has been significant flooding
10 there in several of the major storms in the
11 last couple of years, and I would recommend
12 that a study show by description and map
13 delineation the flooding from storms Floyd,
14 Irene and Sandy, at the least, and that they
15 should make reference to newspaper accounts
16 as well as any technical reports that have
17 been prepared by the town, county, state or
18 federal agencies involved. I know that FEMA
19 was involved in some of those cases.

20 MR. STOLMAN: Why don't I confer with
21 Dan about that.

22 MR. HOUGHAM: Okay.

23 MR. STOLMAN: You don't have to do it
24 right now.

25 MR. HOUGHAM: Okay, I know.

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1 MR. CIARCIA: I think -- I mean, I
2 think that in terms of historic storms,
3 there is really you know, there is certain
4 issues that the Town has and some of them
5 actually have been resolved on North State
6 Road.

7 But to do this type of analysis there
8 is a procedure to follow. His obligation is
9 to seek through with that, at a minimum the
10 impact of his project is mitigated to
11 predevelopment wetlands. So, you know, to
12 that end, you know, that is a standard we
13 hold him to. To get into whatever
14 deficiencies on North State Road, I think it
15 is beyond, we can certainly look at it, but
16 I think it sort of falls beyond the scope of
17 what you can analyze here. But, that is my
18 opinion.

19 MR. HOUGHAM: Again, considering that
20 this is a large site that drains directly
21 into that area that has had significant
22 historical problems, to the extent that we
23 can require a --

24 MR. CIARCIA: But you should know
25 that there were some major culverts along

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1 North State Road that were completely
2 clogged up and not functioning, so a lot of
3 the problems that occurred down at that area
4 were the result of those culverts that have
5 since been replaced. That should remedy a
6 lot of that. And the problem is that some
7 of these things, what you really need to do
8 is, you've got to ana -- essentially, where
9 do you stop, you know.

10 You keep analyzing down the system,
11 but certainly if there are deficiencies in
12 the system itself, which have been
13 identified and corrected, I think it goes
14 beyond what this applicant can do. But the
15 town has looked into those problems on North
16 State Road, and address them.

17 MR. HOUGHAM: Okay.

18 CHAIRWOMAN RICHARDS: May I just ask,
19 when there is a development I would think
20 that the developer has to do as much as they
21 can to ensure that there is a limited or no
22 runoff that is coming through the property
23 due to the development. Could you go into
24 that you know thought.

25 MR. CIARCIA: I mean, you know,

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1 it's -- the storm water -- that the New York
2 State guidelines for doing stormwater
3 doesn't have -- they've kept ramping it up.
4 So, it used to be that you just had to look
5 at a variety of storms and seek to it that
6 you didn't increase the flow.

7 As the regulations evolved then they
8 brought in criteria in terms of how these
9 practices are constructed to deal with water
10 quality, and then how to treat the water.
11 And then it kept going, and then what you
12 have to do is you have to employ practices
13 that actually reduce runoff altogether. So,
14 in other words, it is not good enough just
15 to hold the line on predevelopment flow
16 rate, you actually have to reduce the
17 runoff.

18 CHAIRWOMAN RICHARDS: Make it even
19 better than what it was before.

20 MR. CIARCIA: Yes, yes. So --

21 CHAIRWOMAN RICHARDS: That's
22 interesting.

23 MR. CIARCIA: Because over the past
24 decade since they adopted these general
25 permits for stormwater, every integration of

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1 it has become more and more you know,
2 rigorous and the standards keep going up.
3 So -- but that is not to say that if there
4 are you know, in the proximity of the
5 project there is something obvious, that's
6 not to say that during this analysis if we
7 found out you know, that there is a pipe in
8 Ryder Park for some -- some improvement that
9 could go a long way.

10 I mean, you can take this to the next
11 step and you can look at it and say you know
12 what, there is -- for example, one of the
13 issues we end up with, is the Town and the
14 applicant, you've got to address this on
15 your property only.

16 Through SEQRA you can look at other
17 things, like for example you could go into
18 Ryder Park, say if there was -- and not to
19 hold his line, but in other words, if you
20 were able to take the money or the
21 infrastructure that he was going to do to
22 solve the problem on his site, and you could
23 take that same money and apply it say at a
24 town on a piece of land, and go above and
25 beyond what could be achieved, you could

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1 actually fix stuff, you know. That's the
2 kind of thing where -- but you know, that
3 gets sometimes difficult to work out.

4 But you know, we are going down
5 stream, those are the kind of things that
6 you can look at to sort of reaching a
7 solution. But, to some extent you know,
8 then you do that then you really need to
9 begin to do a more holistic view of your
10 infrastructure and where your bottlenecks
11 are and where you can do things to correct
12 the exiting problem.

13 CHAIRWOMAN RICHARDS: Okay. Thank
14 you.

15 MR. STOLMAN: We make sure that on
16 page six, we say that all of stormwater
17 manage practices have to comply with the DEC
18 regulations.

19 CHAIRWOMAN RICHARDS: That's right.

20 MR. STOLMAN: Pursuant to quantity
21 and quality and the DEC regulations are more
22 stringiest than the Town of Ossining
23 regulations.

24 CHAIRWOMAN RICHARDS: And that's why
25 I wanted him to flush that out to know

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1 that -- so then everyone understands that it
2 can actually be better through this
3 development. These issues can actually be
4 improved through this development.

5 MR. CIARCIA: You know, there is
6 definitely drainage issues up in that
7 neighborhood, and to the extent that we are
8 aware of them and to the Extent that we can
9 design a drainage system to make sure those
10 things are addressed that you know, there is
11 the sort of the holistic view of the North
12 State Road and all of that, but there is
13 more of a local issue where there are some
14 issues. So, to that end there are certain
15 things that can be done to correct those
16 exiting problems.

17 CHAIRWOMAN RICHARDS: Okay, thank
18 you.

19 MR. HOUGHAM: Number four, on page
20 six, under chapter three, section D,
21 vegetation and wildlife, by the way, I
22 apologize for a misspelling there.

23 UNIDENTIFIED SPEAKER: What page is
24 that?

25 MR. HOUGHAM: Excuse me, page six,

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1 chapter three, D, vegetation and wildlife.
2 In addition to the rare, threatened or
3 endangered species as mentioned, the species
4 listed by the New York State DEC as of
5 special concern, I think should also be
6 included.

7 And as there are many examples of
8 endangered threatened certain species that
9 are of a wide variety of types that are
10 rarely considered, such as aquatic micro
11 invertebrates that are little bugs that you
12 find in the water and as such, I would
13 recommend that we explicitly state that the
14 animals that should be considered must
15 include mammals, fish, insects, reptiles
16 amphibians, birds and plants.

17 To explicitly state the list so that
18 some of the you know, lesser members of
19 God's creation are not forgotten, such as
20 the bugs. So, that's just a matter of
21 explicitly stating something that is
22 probably covered by the word "all". I would
23 rather not assume that things would be
24 forgotten.

25 Under page seven, chapter three,

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1 section E, historical and archeological. I
2 believe there should state that the project
3 site will be analyzed via phase one
4 assessment as you said, but to include a
5 ground base observation by a certified
6 archeologist.

7 And it is my understanding that phase
8 one assessment is sort of a preliminary
9 assessment to see whether there -- whether
10 it warrants some much in depth study, and I
11 would think that a walk through the property
12 by an archeologist would suffice for that,
13 but not doing a ground base walk through
14 that would be insufficient, that would be my
15 thought on that matter.

16 On page fourteen, under chapter five,
17 possible alternatives. I think that there
18 should be a new letter, E, suggesting a
19 raised platform walkway through the wetlands
20 with educational signage that form a
21 pedestrian thru path from Ryder Park to
22 Peekskill trail way protected under a
23 conservation easement.

24 Some of those are mentioned in some
25 of the other alternatives, but this sort of

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1 brings them together in one alternative or a
2 piece of an alternative that I think it
3 would be very desirable.

4 Page fifteen, under technical
5 appendices, within the existent parenthesis
6 should state, including wetlands, soils,
7 vegetation, all animals including fish,
8 terrestrial and aquatic micro invertebrates,
9 birds, amphibians and reptiles. Again, the
10 same issue there, just to explicitly estate
11 there the variety of animals that need to be
12 included.

13 To this memo that I sent out earlier
14 I would like to add two things. One is that
15 to explicitly state that in the water
16 quality analysis that a phosphorous nitrate,
17 nitrite and ammonia analysis should be done,
18 and that may already be stated in the New
19 York State DEC water quality regulations, I
20 don't know, I didn't look. If there is not,
21 then I'd like these very minimal water
22 quality measurements to be made to give us a
23 baseline to compare future analysis too.

24 So, post construction this could be
25 done and it would be useful to see whether

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1 nitrogen and phosphorous fertilizers for
2 instance are coming off of the developed
3 property. Without this baseline there would
4 be no way to tell, if there was a problem
5 with runoff.

6 Lastly, I want to backtrack a little
7 bit on something that I said at the last
8 meeting, where I was wanting a requirement
9 for a full year of hydrological study.
10 Since that time, myself and members of the
11 EAC have talked to quiet a few professionals
12 in the field, arrainging from biologists and
13 many engineering professionals.

14 And while the biologists tend to
15 remain firm that a full annual cycle study
16 should be done almost to the person, the
17 professionals in the field think that if it
18 is adequate to do the analysis -- without --
19 to do meaningful analysis without a full
20 year cycle, but that they must be done
21 within appropriate times of the year, for
22 again the animal, plants and water studies.

23 So, given that as long as they are
24 timed properly, I don't think that the
25 annual studies are needed. So, I wanted to

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1 state that. So, one last comment I would
2 like to make is in response to the letter
3 that Mr. Wekstein sent today, in response to
4 the scoping and if I may, I'd like to just
5 read this.

6 CHAIRWOMAN RICHARDS: Could we do
7 that once the applicant has made their
8 comments and then you can respond to those
9 comments?

10 MR. HOUGHAM: Perfect.

11 CHAIRWOMAN RICHARDS: So that
12 everyone understands what you are responding
13 to.

14 MR. HOUGHAM: I think that makes
15 sense.

16 CHAIRWOMAN RICHARDS: Thank you very
17 much. Thank you for all the comments.

18 MR. HOUGHAM: Thank you very much.

19 MR. STOLMAN: I am sorry, I thought
20 you were going to go into Greg.

21 CHAIRWOMAN RICHARDS: Yes, I was
22 going to --

23 MR. STOLMAN: I just wanted to say
24 something first.

25 CHAIRWOMAN RICHARDS: Please do.

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1 MR. STOLMAN: If I could. I think
2 there it is important for the public to be
3 aware that every single member of the
4 Planning Board commented on the applicant's
5 draft scoping outline already, and their
6 comments have been incorporated into this
7 version of the draft scoping outline that we
8 are going over tonight. So --

9 CHAIRWOMAN RICHARDS: Yes, I will go
10 -- I was going to say to member McWilliams,
11 I know he has commented.

12 MR. STOLMAN: Yes.

13 CHAIRWOMAN RICHARDS: Do you have any
14 additional comments?

15 MR. MCWILLIAMS: No, I'll just kind
16 of go over what my key comments were.
17 Again, my name is Greg McWilliams. My
18 comments really have to do more with
19 conceptual type things and the memo that
20 I've written today and integrated last week,
21 I'll just kind of read very quickly,
22 excerpts from it.

23 Under chapter one, executive summary.
24 The executive summary should provide a
25 description of proposed common open space,

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1 it's potential for common passive use, and
2 specifics about maintenance of said open
3 space, roadways, common site improvements.
4 It's been implied that there is open space
5 where the clusters came, but as to how that
6 is used or not used, what specifics, how it
7 is maintained and everything else including
8 the roadway, that should be essential
9 included in the executive statement. There
10 should be some verbiage on that.

11 The other thing is chapter five,
12 under possible alternatives. Proposed
13 cluster development alternatives should be
14 presented that include possible variations
15 in lot size, in addition to lot count.
16 Varying lot sizes will provide for various
17 utilization of the existing site in terms of
18 decreasing density in critical steep slope
19 areas and possibly add visual interest in
20 the individuality for proposed residences.

21 Developing a property as per
22 standardized minimum R5 lot size, per
23 specific bulk regulations, might result in a
24 cookie cutter lot building layout that is
25 composed uniformly over varying different

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1 site conditions.

2 So, those points and add some
3 verbiage in here that -- it is really
4 something that I am sure the applicant is
5 going to pursue, but it would really be
6 worth while particularly from the end of
7 Morningside Court, to have renderings of
8 what these building are going to look like
9 right above there.

10 In that particular layout area is
11 probably where I was getting at in terms of
12 decreasing the density up there, it's a
13 sensitive area, and having more dense areas
14 around the site, but that's one area that I
15 think should be relatively minimally
16 develop.

17 So, that in addition to all the other
18 comments that this Board members have made,
19 that those are basically the things that are
20 different for me.

21 CHAIRWOMAN RICHARDS: Okay. Dennis.

22 MR. KIRBY: My name is Dennis Kirby,
23 good evening everyone. All of my comments
24 that I submitted have been included in this
25 document, so I am not going to going through

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1 them. I would like to ask a couple of
2 questions and possibly a comment.

3 And that first question has to do
4 with proposed action. Starts on the bottom
5 of page two, but then it goes to page three.
6 And I am wondering if the New York City
7 Water Department for the New York City
8 Department of Environmental Protection
9 should be included on that list, because the
10 aqueduct runs under the property.

11 MR. STOLMAN: Let me explore that.

12 MR. KIRBY: So, that is question one.
13 Then, on top of page five, under existing
14 conditions, the third paragraph, that the
15 soil analysis should be performed by the
16 wetland scientists. Is there any
17 certification required for the wetland
18 scientist.

19 MR. STOLMAN: I believes so. I don't
20 know what the exact certification is, but I
21 believe so.

22 MR. KIRBY: So they -- should that be
23 a certified professional wetlands scientist
24 and is there any involvement by the Planning
25 Board on who that wetland scientist would be

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1 or what company that would be. So, that was
2 my second question.

3 Under page six, stormwater management
4 and subsurface water, potential impact. I
5 am interested to know if there would be a
6 study of potential impact of stormwater
7 management during construction. And I
8 believe -- let me go through it very
9 quickly, that's it. Thank you.

10 MR. STOLMAN: Just one comment. I
11 will check out the New York City DEP and
12 the -- and SHPO, there are mentioned in here
13 later on when it comes to the aqueduct, but
14 I will find out what permits to grant.

15 MR. KIRBY: Thank you.

16 MR. STOLMAN: DEP wrote a letter, we
17 have a letter from DEP, but as to whether
18 they have an official permit to grant, I'll
19 look into that.

20 MR. KIRBY: Thank you.

21 CHAIRWOMAN RICHARDS: Mr. Bosinnas.

22 MR. BOSINNAS: Good evening, my name
23 is Jim Bosinnas, my comments are going out
24 to other Board members, I will keep it
25 brief. They are based on exploring the

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1 options on the site plan. I am looking for
2 other options that are zoning district
3 complaint as opposed to the cluster
4 development that is being proposed, so we
5 can see what those options are when they
6 come in.

7 There is already been a set of plans
8 submitted for the benefit of establishing a
9 lot count, but I don't want to assume that,
10 that is the land that they are going to
11 pursue. So, we will wait and see what other
12 options come in.

13 The other issues specifically looking
14 for a discussion on the runoff concerns from
15 the adjacent properties, and so a couple of
16 months ago we received a letter from the
17 Highway Department regarding the Town Board
18 approval for some of the work that's going
19 to take place in at Ryder Park. So, what we
20 would do to address that as well.

21 CHAIRWOMAN RICHARDS: Thank you
22 member Bosinnas. I too have submitted my
23 thoughts and my comments with regard to the
24 scoping document, and as the Board members
25 know most of them went over the alternatives

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1 that we would like to see analyzed through
2 this process. Obviously the conventional
3 subdivision and the clusters, looking at a
4 number of different lots, 10 I think, 15,
5 etc, so that we have a good idea what all
6 different types of alternatives would look
7 like for the Board.

8 Also, there is a fair amount of steep
9 slopes on the property and I know -- I think
10 I have seen the steep slopes map that
11 demonstrates all the steep slopes. The
12 percentages of the steep slopes weren't
13 indicated or I didn't see them indicated,
14 you know, if it's a 30 percent slope, etc,
15 etc.

16 That amount of what's current -- of
17 the slopes and what is currently out there,
18 we should be able to obtain a copy of that
19 for our review, and eventually we should
20 have the property staked for obviously
21 building lot line, building envelopes, the
22 lot lines, etc, so that we know exactly
23 where everything is proposed to be place so
24 can see it and view, and the Planning Board
25 of course can go to the site and look at it.

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1 At this point, we will have the
2 applicant come and address the Board if the
3 applicant has any comments.

4 MR. WEKSTEIN: Thank you. Thank you
5 madam Chairperson, members of the Board.
6 I'm Adam Wekstein partner at the law firm of
7 Hocheman Tortorella & Wekstein, I am here on
8 behalf of the applicant.

9 My comments are actually restricted
10 primarily to alternatives not surprisingly.
11 We feel number one, that there are too many
12 alternatives, and number two, that some of
13 the alternatives are unreasonable in light
14 of what is being proposed, in light of the
15 site. By my count there are at least ten
16 alternatives that have already been asked
17 for.

18 UNIDENTIFIED SPEAKER: I can't hear
19 you. Sorry.

20 MR. WEKSTEIN: My comments were made
21 primarily to the alternatives. We believe
22 there are too many and we believe some of
23 them are inappropriate. In this case there
24 are at least ten alternatives that are
25 required by the scope, five different

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1 cluster alternatives, multiple and
2 unspecified number of reduced density
3 unconventional alternatives.

4 Obviously the proposed action, a
5 zoning compliant conventional alternative,
6 four different access alternatives to the
7 site, and now we are hearing a pathway plus
8 the -- previously in the scope there was the
9 Briarcliff/Peekskill pathway link.

10 For a project of this magnitude, and
11 frankly for a project of any magnitude
12 that's an incredible amount of alternative
13 analysis. I mean the process again in
14 looking at alternative is supposed to
15 require the applicants project sponsor to do
16 a reasonable range of alternatives
17 considering the objectives and capability of
18 the project sponsor.

19 It's supposed to give you and the
20 public a basis to make an intelligent
21 decision, but not to go into every
22 conceivable permutation and combination that
23 can relate to this property. So, number one
24 we think there are too many and we think you
25 can achieve the same thing by having a

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1 lesser number than what is there right now.
2 It is as burden on the applicant and frankly
3 I don't think it helps on your fact finding
4 or the public's ability to make an
5 intelligent review of what is being
6 proposed.

7 We think number two, that several of
8 the alternatives are at a density that is
9 inconsistent with the applicant's
10 capabilities, objectives and what is
11 reasonable. What we have here as you know,
12 and not to belabor it, it's a 31 and a half
13 acre site. You have a determination by your
14 Board already that there is a maximum lot
15 count of 24, which is a maximum, you are not
16 bound by that. We understand that.

17 You have a site with public sewer,
18 public water. Minimum lot size of forty
19 thousand square feet. Frankly we don't
20 think there is any place in this scope for
21 the 10, 12 or 15 model alternatives.

22 My other comments are really more
23 limited. One is that the tree surveyor you
24 are asking for, we understand one will be
25 needed and required to evaluate it, but we

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1 do not believe, and it has not been our
2 experience in other municipalities that,
3 that should be of the entire site.

4 Your tree ordinance requires -- what
5 defines a tree is anything with a six inch
6 diameter abreast of DBH. In some instances,
7 trees as small as three inch DBH can also be
8 trees as defined in the ordinance.

9 What we are requesting is something
10 that the scope just be modified to say that
11 we will do the surveying, identification and
12 classification of the trees that are within
13 the disturbed areas or the areas proposed to
14 be disturbed by the action in the
15 alternatives that are included in the EIS.

16 On traffic study, again in speaking
17 to our traffic consultant and seeing what
18 has been done, when we have done studies in
19 the past, for residential development
20 traffic generally is not looked at on
21 weekends, that's for commercial that our
22 institution uses. It is not normal
23 practice, but that's obviously your Board's
24 decision whether you want to see that, but
25 we don't think that's appropriate in this

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1 case.

2 The final mention, and I skipped this
3 one when I was looking for the alternatives,
4 and probably from our perspective it's one
5 of the most important ones, is the
6 alternative that is requested for access
7 through New Castle, and we will object to
8 that because number one, the New Castle
9 piece is not part of the subdivision, it has
10 never been, it doesn't have connected
11 utilities, it isn't functionally integrated
12 to it.

13 Number two, with the exception of a
14 small piece, it is not owned by the same
15 entity, it is owned by a different entity.
16 So, we don't think it is appropriate, we
17 think that the alternatives that we have
18 been asked to show for access which would be
19 Morningside with emergency -- well, what we
20 are proposing, which is Tavano and emergency
21 over Morningside. Morningside with
22 emergency over Tavano and a tru road are the
23 appropriate three alternatives for access.
24 Thank you.

25 CHAIRWOMAN RICHARDS: Thank you. Are

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1 there any department heads, chairs of boards
2 who would like to come to the front and
3 address the Board at this time.

4 MS. ELKES: Thank you, I'm Mitzi
5 Elkes, Chairperson of the Environmental
6 Advisory Committee, and I have copies of
7 comments that I also mailed.

8 CHAIRWOMAN RICHARDS: Do you have her
9 comments?

10 THE CLERK: I do, these were the same
11 that were e-mailed.

12 MS. ELKES: No.

13 CHAIRWOMAN RICHARDS: This is new.

14 THE CLERK: Oh, okay.

15 MS. ELKES: These are the same ones.
16 But what I am going -- what I would like to
17 start with is really just to state for the
18 record, that there are ordinance in this
19 town, there are state, federal whatnot
20 regulations, laws, that aim to protect the
21 environment and the residents of
22 communities, regarding runoff, regarding
23 biodiversity, I am not going to go on.

24 But, these regulations apply to a
25 gamut of various different sites and

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1 locations. And for the record, this site
2 from the get go, it has always been very
3 high elevation, surrounded by highly
4 developed communities with respectable
5 homes, very respectable home owners and
6 respectable businesses along North State
7 Road.

8 And we're even going to travel down
9 Route 100, down to Briacliff, down through
10 the thru streets, down to Sleepy Hollow, all
11 of these areas are affected by this very
12 sensitive unique piece of property. And
13 that is really to be very much emphasized in
14 the review, in the approach, and I speak as
15 an environmental protection person for the
16 community, that is an issue that really
17 should stand out and stand out as a priority
18 when approaching this development.

19 And it really needs to be stated and
20 emphasized because I think it is lost in
21 translation. It is not just wetlands, it is
22 not just steep slopes, it is towering over
23 the entire Pocantico watershed and it also
24 happens to have an aqueduct so many feet
25 below.

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1 But there are many communities and
2 population impacted by what will transpire
3 on this site and it needs to be taken
4 seriously, and I think it should in the
5 description more profoundly than this --

6 CHAIRWOMAN RICHARDS: Can we go
7 through the -- I want to make sure that the
8 --

9 MS. ELKES: Well, that's not my job.

10 CHAIRWOMAN RICHARDS: No, no, no. I
11 want to make sure for the record what is it
12 that --

13 MS. ELKES: What is in this report.

14 CHAIRWOMAN RICHARDS: So we can just
15 quickly.

16 MS. ELKES: Okay, I can --

17 CHAIRWOMAN RICHARDS: -- or I can
18 just go through it.

19 MS. ELKES: Donna is gonna go through
20 it. I was gonna --

21 CHAIRWOMAN RICHARDS: Okay, you're
22 gonna go through it.

23 MS. ELKES: I am just saying it for
24 the record.

25 CHAIRWOMAN RICHARDS: Okay.

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1 MS. ELKES: That this property should
2 be also described as unique in that is right
3 next to a park and that is very high
4 elevation. I got my point across.

5 CHAIRWOMAN RICHARDS: So, Ms.
6 Sharratt, you are going to communicate
7 what's in this?

8 MS. SHARRATT: Page-by-page.

9 CHAIRWOMAN RICHARDS: Thank you.

10 MS. SHARRATT: I just would like to
11 comment --

12 CHAIRWOMAN RICHARDS: Could you state
13 your name?

14 MS. SHARRATT: Donna Sharratt, I am
15 with the Environmental Advisory Committee
16 for the Town of Ossining.

17 CHAIRWOMAN RICHARDS: And Mitzi Elkes
18 is the Chair of the Environmental --

19 MS. SHARRATT: So we have some
20 further comments that we would like to be
21 considered --

22 CHAIRWOMAN RICHARDS: Okay.

23 MS. SHARRATT: -- for this, so I
24 would go based on pages three and four based
25 on the document that the Board is --

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1 UNIDENTIFIED SPEAKER: We can't hear
2 you, speak louder.

3 MS. SHARRATT: So, pages three and
4 four of the Planning Board's first draft
5 with mitigation of project description. We
6 would like to see plans and a timeline for
7 any ongoing maintenance of the proposed
8 mitigation.

9 CHAIRWOMAN RICHARDS: Okay.

10 MS. SHARRATT: We would like that
11 included and particularly a timeline, so
12 that when it is mitigated wetlands often
13 fail and they need three years or so to
14 maintain.

15 CHAIRWOMAN RICHARDS: Okay.

16 MS. SHARRATT: That's what we would
17 like. Page five, wetlands. Chapter three,
18 the existing conditions. All existing
19 wetlands, water courses, vernal pools and
20 assembled streams, including those within
21 two hundred feet of the site and regardless
22 of size should be delineated and inscribed
23 in the wetland study.

24 CHAIRWOMAN RICHARDS: Okay.

25 MS. SHARRATT: The wetland

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1 delineation should be determined by both,
2 hydrophytic vegetation and hydric soils.

3 CHAIRWOMAN RICHARDS: Okay.

4 MS. SHARRATT: And list the soils.
5 And I think that, that --

6 CHAIRWOMAN RICHARDS: So you want to
7 add.

8 MS. SHARRATT: Hydrophytic
9 vegetation, also. Then this would speak
10 to -- Gareth mentioned the vernal pools and
11 ephemeral streams are only going to be able
12 to be identified during the Spring season,
13 so --

14 CHAIRWOMAN RICHARDS: He has
15 communicated that.

16 MS. SHARRATT: Well, this is one of
17 those cases where there is a specific time.

18 CHAIRWOMAN RICHARDS: Right.

19 MS. SHARRATT: So, rather than saying
20 we need a long year study --

21 CHAIRWOMAN RICHARDS: Just say Spring
22 season; emphasized that.

23 MS. SHARRATT: Right, for ephemeral
24 streams and vernal pools. Now, bringing
25 into the idea of the DEC determining what

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1 the wetland is, the jurisdiction of the
2 wetlands I -- we feel should not be
3 determined until all the wetlands have been
4 delineated and any possible wetland and
5 water course connectivity has been
6 established.

7 Connectivity of wetlands and
8 watercourses may establish a combined size
9 of wetland that would warrant additional
10 governing jurisdictions, including the New
11 York State DEC.

12 CHAIRWOMAN RICHARDS: Okay.

13 MS. SHARRATT: Then, I am speaking to
14 Rob Doscher, he is the District Manager of
15 the Office of Water and Soil Conservation of
16 Westchester County Department of Planning.
17 He suggested that the wetlands hydrology or
18 the wetlands budget -- water budget would be
19 determined. To determined if it's -- the
20 wetlands that are there are created by
21 impervious soils, ground water or stormwater
22 runoff.

23 CHAIRWOMAN RICHARDS: Okay.

24 MS. SHARRATT: And I think this is
25 important, because when you are taking all

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1 those impervious surfaces, the groves on the
2 roads, and you are channeling water to other
3 places, where this is a property that used
4 to have uniformed waters are coming down,
5 that might change for any of the wetlands
6 that aren't going to be.

7 CHAIRWOMAN RICHARDS: This needs to
8 be analyzed.

9 MS. SHARRATT: Yes, right.

10 CHAIRWOMAN RICHARDS: The creation
11 and the --

12 MS. SHARRATT: Yes, how that is going
13 to change that. Mr. Doscher also stated
14 that wetland identification should be
15 performed during the growing season with
16 soils free of snow and not frozen. And I
17 would really prefer that to be in there
18 because this is -- traditionally a lot of
19 the developers try to come in January, under
20 snow. I don't know how you do soil testing
21 at that time.

22 CHAIRWOMAN RICHARDS: Okay. So, that
23 comment you want.

24 MS. SHARRATT: Yes, and that's also
25 existing conditions of wetland, on page

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1 five. He suggested that each point should
2 be flagged and have a GPS identification,
3 that a full report and data sheet should be
4 provided and that an independent consultant
5 should verify the boundaries and results.

6 Now on wetlands, number two, of
7 potential impact. Any disturbance to or
8 crossing of wetlands, wetland buffers and
9 watercourses and -- or watercourse buffers
10 should be clearly identified, described and
11 mapped. He also stated that you should note
12 that any wetlands that comes hydrologically
13 isolated due to construction could be
14 considered a disturbed wetland and therefore
15 included in mitigation plans.

16 CHAIRWOMAN RICHARDS: Okay.

17 MS. SHARRATT: So, if the -- it
18 shouldn't be just where the road is going
19 through the wetland. If they're cutting off
20 part of the wetland then it becomes
21 isolated, then where the road goes through
22 and that part becomes isolated --

23 CHAIRWOMAN RICHARDS: Through
24 construction should be considered.

25 MS. SHARRATT: To be considered in

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1 the mitigation process.

2 CHAIRWOMAN RICHARDS: Okay.

3 MS. SHARRATT: All vegetative covert
4 that is anticipated to be lost due to
5 construction should be listed and described.
6 All replacement plant materials for any
7 proposed mitigation should be listed with
8 both their common and scientific names.
9 Comments, I know that David included that in
10 another area, I just want to make sure that,
11 that was in there too. For all of the other
12 you have cover that all.

13 MR. STOLMAN: I will make sure this
14 is.

15 MS. SHARRATT: I know it is being
16 redundant.

17 MR. STOLMAN: I'll make sure it does.

18 MS. SHARRATT: Thank you. Native
19 plant materials should be used, particularly
20 with any mitigation process of projects.
21 Under no circumstances should plant
22 materials which are listed on the New York
23 State DEC prohibited and regulated invasive
24 plant law, which is just been recently
25 passed. None of that should be permitted.

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1 So, chapter -- say chapter of
2 wetlands, under mitigation, which is number
3 three. Wetland mitigation should be adopted
4 with a one-on-one ratio of disturbed wetland
5 to replace wetland, disturbed buffer to
6 replace buffer. Okay, mitigation should be
7 provided as feasible to address any
8 significant adverse impacts to the habitat
9 or species resources.

10 There doesn't seem to be much mention
11 to habitat in there, and I think it is
12 important to include that. And again, I
13 just wanted to, there is another paragraph
14 here which says the same thing. If there is
15 a mitigation there should be a time
16 determination on how long that is going to
17 be monitored and maintained.

18 And then we request a description of
19 the proposed plans and methods that will be
20 employed to ensure zero influx of road and
21 lawn chemical runoff into the wetland and
22 upland areas and all habitats. And I then
23 cite the resource here but.

24 So, chapters -- pages six and seven,
25 stormwater management, vegetation and

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1 wildlife, existing conditions for the
2 stormwater. Stormwater analysis should be
3 done during the wet season when soils are
4 free of snow and not frozen. We request a
5 couple of studies, one of which I just
6 mentioned, which is the runoff into the
7 North State Road area --

8 CHAIRWOMAN RICHARDS: And we
9 discussed runoff and how it is --

10 MS. SHARRATT: Right --

11 CHAIRWOMAN RICHARDS: -- supposed to
12 work with the development.

13 MS. SHARRATT: -- and this is that,
14 so I don't need to go into that any more,
15 and then the Pocantico watershed history
16 study is requested to clear all these things
17 that Mitzi spoke about.

18 Water quality study which Gareth has
19 spoken about, so I don't need to go into
20 that at all, but those things, the
21 phosphorous, the slope studies and all of
22 that is something that would be very
23 important, I think.

24 So, under potential impact, which is
25 number two. The Pocantico tributary should

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1 be included in the watershed maps and to
2 include those which flow through the Town of
3 New Castle. So, just north of the
4 Morningside Court area, when you're driving
5 on Morningside Drive you can see a big water
6 fall coming down, I am guessing that starts
7 at High view Farms because where else would
8 it come from. And that comes through the
9 Town of New Castle, and then it flows way
10 down to North State.

11 So, that is not on the watershed maps
12 that I have seen, so it seems like there are
13 additional tributaries, one of them come
14 through my backyard, so they are not shown
15 in the map so I think all of them need to be
16 included.

17 Now, going on to vegetation and
18 wildlife, existing conditions. All natural
19 habitats and community types on this site
20 should be identified. All species on the US
21 Fish and Wildlife and the New York State
22 DEC, threatened, endangered species. Gareth
23 went into that, so I don't need to go into
24 that too much. But mainly we'd like the
25 habitats considered.

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1 Because for instance I spoke to the
2 Sandy Doran, who is a biologist for the
3 Department of US Fish and Wildlife and I
4 spoke to someone at Cornell Department of
5 Ornithology, so in those situations it is
6 going to be really hard for the applicant to
7 get somebody there to identify some of these
8 things, but you can identify habitats, and
9 that's something that I think is important.

10 For instance, when they were doing
11 the Tappan Z Bridge, they determined that
12 bass would possibly go under the trees that
13 were being cut down, so, trees were not
14 allowed to be cut down except from
15 October 31 to March 31, so that there would
16 be no impact to possibility of migrating
17 mammals.

18 Plant identification should include
19 both, early season spring and ephemerals and
20 later season plants for the most accurate
21 assessment that again, speaks to the same
22 issue. Tim Post of the Freshwater Wetlands
23 Program Manager with the New York State DEC,
24 stated that online vegetation and wildlife
25 mapping resources are not intended for

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1 definitive analysis and should not be used
2 during any part of the review of this
3 proposed action.

4 CHAIRWOMAN RICHARDS: Okay.

5 MS. SHARRATT: Almost everything that
6 we've seen that comes forth in front of us,
7 they use something called the resource
8 mapper and this -- the head of the wetlands
9 program manager says that is not accurate.

10 CHAIRWOMAN RICHARDS: Okay, we can
11 add that.

12 MR. STOLMAN: The resource mapper is
13 very general.

14 MS. SHARRATT: Right.

15 MR. STOLMAN: Very general. So,
16 that's sort of our first cut, but you are
17 talking about actually studies being done.

18 MS. SHARRATT: Right.

19 MR. STOLMAN: Actual studies being
20 done.

21 MS. SHARRATT: Right, right, because
22 that's usually on their application.

23 Basically he's saying if someone it's been
24 on the property then they notice something
25 and that goes on the map, but if none it's

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1 been on the property it would not be noticed
2 on the map.

3 So, David Kvinge, Director of
4 Environmental Planning of Westchester County
5 Department of Planning stated that
6 landscaping changes should include the
7 amount of tree canopies proposed to be lost
8 and any disruption to wildlife corridors
9 which would result from the proposed action
10 should be considered. And this -- I am just
11 learning about the tree request.

12 I think that it would be important to
13 know all the trees, a complete tree survey,
14 because not just where they are being
15 proposed, because if there is trees just
16 beyond the range of where the disturbance
17 is, the roots could be disturbed and it also
18 would change what the water life corridors
19 are.

20 So, the next chapter three,
21 vegetation and wildlife habitat should be
22 considered. Plans and methods that would be
23 employed to protect plant materials not
24 permitted for removable, to include but not
25 limited to their complete root system should

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1 be described.

2 Proposed plans and methods that will
3 be employed to revert soil comparison due to
4 construction activity within permeable areas
5 should be described, because that would
6 definitely impact how the roots uptake,
7 particularly in old trees.

8 Mr. Kardel stated the introduction of
9 light into the nighttime environment is
10 known to affect the normal distribution of
11 night flying food resources for nocturnal
12 species. Determination of the amount of
13 nighttime lighting should be made and the
14 potential impacts of this lighting to
15 wildlife species.

16 To address potential impacts on bird
17 -- existing bird migration patterns
18 specifications for all proposed outdoor
19 lighting should be provided, and
20 particularly it will be requested to be use
21 warm LED lights, so that LED lights be used,
22 so not to impact wildlife. So, we would
23 like specifications on that.

24 CHAIRWOMAN RICHARDS: Okay.

25 MS. SHARRATT: We also -- he also

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1 suggested that in any kind of mapping of the
2 plans that the potential light trespass on
3 adjacent properties be illustrated. So, if
4 it is going to impact one of the neighbor's
5 houses from street lights or housing lights,
6 that should be known. Needless to say I'd
7 also like to know if any of that is going to
8 disturb some of those habitats that are
9 possibly outside of the developed area.

10 And then I talked about the tree
11 removal. And finishing up here, mitigation
12 of destroyed or impact -- impacted habitat
13 should be proposed. On the traffic and
14 transportation. I live on Morningside
15 Drive, so I would suggest that the weekday
16 morning would be 6:00 a.m. to 9:30 a.m.,
17 there is a lot -- people travel to New York,
18 to take the train for New York, so 6:00 a.m.
19 is more appropriate, and the weekday
20 afternoon we have buses starting to come
21 through, so I would say 2:30 start that.

22 CHAIRWOMAN RICHARDS: Okay.

23 MS. SHARRATT: On page thirteen,
24 construction impacts, the impacts on
25 wildlife and vegetation should be included.

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1 CHAIRWOMAN RICHARDS: Thank you. Do
2 we have any other members, department heads
3 or chairs of our committees who would like
4 to speak? Okay. Now we are going to open
5 it up to the public, and I ask that the
6 comments relate directly to the scoping
7 document so we can complete the document
8 because as you know we are under a timeline.
9 So, and with -- when you come to the front I
10 will like to ask you to clearly state your
11 name, the street that you live on and make
12 your comment. Yes, sir.

13 MR. HOEFLICH: Thank you, I am Mark
14 Hoeflich, of Morningside Drive. I am just
15 going to be very brief. As an architect
16 when you are dealing with a very difficult
17 type of project, it is sometimes nice to
18 have a topographical actual model of this
19 entire spaces built, small scale, with all
20 the different things showing the clusters,
21 the conventional, and even something where
22 you could even have this element -- this
23 model show water running off it.

24 I know that as an architect, when
25 I've had to design very difficult projects

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1 in the past, we had to build a model to
2 present to a building department for review,
3 whether it's in New York City or in Oshkosh
4 Bigosh, anywhere.

5 Something like this, where you have
6 thirty acres of which approximately ten are
7 wetlands, I personally think that the
8 Planning Board and the Zoning Board in the
9 town should request something like this, so
10 that we, the citizens who live on
11 Morningside Drive actually see. I am just
12 keeping it very brief, I think that's
13 something that should be really added into
14 this document. Thank you.

15 CHAIRWOMAN RICHARDS: Thank you.

16 MS. MASSERMAN: My name is Wendy
17 Masserman, I live at 10 Morningside Court in
18 the Town of Ossining. I am a member of the
19 Concerned Citizens of Ossining, I've been
20 asked to present some items that we feel
21 should be included in the DEIS, much of it I
22 took out of EAC, so I'm gonna kind of cut
23 through it here and there.

24 I have reviewed both, the scoping
25 document and the EAC report, and I guess

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1 this was supposed to be included, but there
2 were many things that were not included from
3 the EAC report. I want to say about the
4 existing conditions on the wetlands, I
5 believe it's page five in your scoping
6 document.

7 Where page three of the EAC report
8 recommends that a wetland study include all
9 existing wetlands, not just existing
10 wetlands, but all, and water bodies,
11 including watercourses, vernal pools
12 ephemeral springs within two hundred feet of
13 the site, regardless of size and in the
14 draft scope it only mentions wetlands, and
15 water bodies, and I think they all should be
16 studied as the EAC does.

17 I would -- the comment by Rob Doscher
18 about the mitigation of wetlands is not a
19 good draft, it does not usually work.
20 Extensive analysis study are necessary to
21 complete this, and more often than not the
22 new wetlands do not function as intended.

23 We would like to request that an
24 alternative be put in, that placing a bridge
25 over the wetlands, that is proposed on

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1 Tavano which would -- if the bridge -- if
2 the road goes thru it could cause a
3 hydrological isolation and could affect
4 everybody. So I would like that
5 alternative; we would like to request that.

6 CHAIRWOMAN RICHARDS: Under wetlands.

7 MS. MASSERMAN: On the stormwater
8 management subsurface water I would like to
9 speak as a -- an owner of a business on
10 North State Road. And all the water
11 problems are not fixed, and some of them are
12 not even in Ossining. As we talked about
13 before the water fall, that comes down
14 through the High View Farm property down
15 through the Carrie Chapman House, down and
16 if you look at North State Road after any
17 big rain, it is flooded.

18 Now, we are lucky our area is not, we
19 did a lot of work to -- when we built our
20 building, so -- because we knew of the water
21 problem. So, we are very lucky there, but
22 if you go up a little ways and it is very,
23 very, affected and I think that really has
24 to be looked into.

25 We would like to identify -- have the

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1 applicant identify and described existing
2 drainage patterns on the site and within
3 surrounding offsite areas located within the
4 same drainage basins, include evaluation of
5 the drainage problems in neighboring
6 properties adjoining the proposed
7 development. Include perc testing on all
8 the adjoining properties since the perc
9 performance could be effected by the new
10 drainage patterns.

11 We'd like to have an evaluation of
12 the existent farmers drains running through
13 the proposed development and how water flow
14 will affect neighboring property. There are
15 farmers drains that run all the way down to
16 Ryder Park. We -- the gentleman who
17 paved -- who did the road for Morningside
18 Court told me that when he put through --
19 every ten feet there were the drains
20 running, and we have been told by
21 Mr. Ciarcia that Morningside Court should
22 never been built. So, I am wondering what
23 we are thinking with this 31 acres that are
24 now being considered.

25 We would like to have you document

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1 how stormwater from impervious surfaces,
2 including exposed rock would be directed and
3 controlled during the construction phase and
4 after the construction is complete. In
5 addition, document how post development
6 pollutant loading would be addressed. Post
7 development area should include a best
8 estimate of impervious surfaces from
9 buildings, rooftops, roadways, parking lots,
10 driveways and sidewalks.

11 In addition, we would request that
12 all of the items in the EAC about stormwater
13 be included in this document, they were not
14 included in there as of yet.

15 I'd like to address the historical
16 archeological resources. The houses on
17 Tavano Road are included on the historic
18 homes tour given by the Ossining Historical
19 Society. Known as Robinwood it was a 21 --
20 it was a development of 21 homes designed by
21 a single architect. I would like to request
22 that the following be included in the scope,
23 and this a request that I spoke to someone
24 from the Historical Society.

25 Study and submit for evaluation the

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1 Tavano Road houses as a potential historical
2 district. With the proposed extension of
3 the cul-de-sac, it should be considered as
4 part of the project. The environmental
5 impact to these properties needs to be
6 considered.

7 Interestingly a long time resident of
8 Tavano Road recalled the discovery of a
9 human bone on the property approximately,
10 thirty years ago. Historical records should
11 be reviewed to determine if there were
12 Indian burial grounds in the area at that
13 time.

14 The proposed cluster plans show that
15 these would be two-bedroom homes, which are
16 totally out of character with the
17 neighborhood, where all the homes are three
18 four, and possibly five-bedroom homes.

19 Under the section land, use, zoning
20 and community character, I would like to
21 request the following be included. Show on
22 the proposed development plan how the
23 character of the neighborhoods will be
24 preserved such as the replacement of trees
25 that are consistent with the existing forest

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1 on the site and on neighboring properties.
2 Describe size of replacement trees comparing
3 them to sizes of removed trees.

4 Cluster sketches show roads at the
5 end of Morningside Court, leaving a circle
6 in place. These streets have -- this street
7 has a cul-de-sac at the end of it. Document
8 what changes will need to be made to the
9 existing driveways on the cul-de-sac and at
10 whose expense.

11 In addition, provide documentation
12 that shows plans for pedestrian safety, safe
13 traffic patterns and aesthetic appearance.
14 The snow is piled up typically piled up at
15 the perimeter of circle. With a circle as
16 such removed, have the highway
17 superintendent describe where the snow will
18 be placed or be moved to. Leaving the
19 circle in place with a road running through
20 the middle leaves an unfinished appearance
21 of the most bizarre unkempt and unfinished
22 sort.

23 Demonstrate why this will not be
24 negatively -- why this will not negatively
25 affect the neighboring appearance and the

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1 market for adjacent houses.

2 Descriptions and analysis of the
3 visual character of the existing
4 neighborhood. The sketch -- again, the
5 sketch shows that these will be two-bedroom
6 houses. And I noticed in a lot of places
7 the term feasible, if feasible. Who
8 determines what is feasible? Thank you.

9 CHAIRWOMAN RICHARDS: Thank you.

10 MR. JAENIKE: Bill Jaenike, 12
11 Morningside Court, the town outside. I'm
12 gonna have to do some fancy footwork, to
13 inter lead what I have to say about
14 wetlands. I am also from the Concerned
15 Citizens of Ossining. For me the cluster
16 plan is a big step backward from the
17 conventional plan. It exacerbates impacts
18 on the environment and homeowners like me,
19 especially like me, since I'm in the
20 epicenter of the steep slope coming down
21 from the top of the hill. I'll justify
22 those assertions with some facts.

23 CHAIRWOMAN RICHARDS: With the
24 cluster alternatives, we looked at different
25 lot counts.

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1 MR. JAENIKE: Yes.

2 CHAIRWOMAN RICHARDS: So, I just want
3 you to be aware of that, under cluster we
4 are looking at lower lot counts.

5 MR. JAENIKE: Right, understood.

6 CHAIRWOMAN RICHARDS: Okay.

7 MR. JAENIKE: I was interested
8 especially in Mr. McWilliams's comments
9 about the top of Morningside Court, and
10 there should be clear understanding of the
11 implications of the cluster plan and the
12 conventional plan, what happens to the top
13 of the court.

14 I'd like to start with the general
15 guidelines, on page one. The last bullet,
16 it talks about all analysis in the DEIS
17 shall be performed by professionals in their
18 respective fields. We talked about
19 certification from those professionals, but
20 a question I have multiplied question is,
21 how will the annalists be chosen? Who will
22 choose them?

23 How will they be encouraged or
24 required to maintain their neutrality?
25 Encouraged I'd say. Should the Town pay

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1 their fees, and then, have the applicant
2 reimburse the Town to try to remove the
3 direct connection between the applicant and
4 the annalists?

5 Objectivity is obviously vital. When
6 you go to trial, a trial is often decided by
7 a choosing of a jury. And this is what we
8 are talking about here. The jury are the
9 annalists -- is the annalist. We need a
10 more reasonable outcome.

11 On chapter two, I'd like to talk
12 about the steep slopes and elevations.
13 Description of the site, C, it is on page
14 four. In past iterations there have been
15 discussions about blasting. There is no
16 blasting mentioned in this one.

17 However, I'd like to make it
18 absolutely clear that we are totally opposed
19 to any blasting in the area, so that if we
20 didn't take this position now I would be
21 concerned that later on we would be barred
22 from addressing it and it should be
23 introduced.

24 Pneumatic jack hammers and large
25 pieces of equipment can produce a loud

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1 vibration, affecting the homes in the area.
2 The homes are built in concrete slabs, some
3 of them already have cracks in those slabs.
4 Heavy jack hammer work can make that worse,
5 especially since the vibrations would be
6 transmitted through the rock, underpinning
7 the soil that goes up the hill.

8 Road options. There should be a
9 consideration for shoulders on the road,
10 especially this road that is going to go up
11 from Morningside Court up it to Tavano Road.
12 Is there gonna be -- shouldn't there be a
13 sidewalk and if not a sidewalk at least a
14 broad shoulder that people in bicycles can
15 use.

16 With the traffic coming down that
17 hill or up the hill with limited sight
18 distance, it is going to be very risky for
19 pedestrians to walk on that road without
20 proper protections. Will there be emergency
21 passing for two cars or two vehicles. That
22 needs to be addressed. Should there be
23 turnoffs if there is a breakdown of some
24 vehicle coming up or down and get that
25 vehicle out of the way.

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1 The question of the foundation
2 underneath that road is very important. The
3 soil there may be not able to support a road
4 that would carry potentially heavy
5 equipment, like fire trucks. I have been
6 told that there should be fifty foot
7 borings, every fifty feet on that road going
8 up to Tavano Road from Morningside Court,
9 they should be drilling to establish the
10 strength of the foundation.

11 The question is, who is liable if
12 there is a washout of that road, and who
13 pays the freight for its repair. Wendy
14 touched on the bizarre shape of Morningside
15 Court. What that's gonna look like if the
16 plan shown on the -- the conventional plan
17 and the cluster plan diagram is followed.
18 The road -- Morningside Court will continue
19 going on up, pass what is now the end of
20 Morningside Court circle and then there'd be
21 a right turn going up to Tavano Road and if
22 the plan is what we are going wind up with,
23 we are going to have these two bulgers out
24 the side of Morningside Court extension. It
25 is going to be really bizarre looking and

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1 people wonder about us.

2 The accesses road, I talked about the
3 thing now. The soil, underlying rock,
4 potential for mudslides in that area without
5 the proper soil testing and drilling down
6 into the underlying rock.

7 Chapter three, under B, topography,
8 steep slopes. B-2, grading would be carried
9 out to minimize runoff, potentially the word
10 is used, using swells in the land to
11 redirect water runoff and minimize any
12 impacts caused by construction where it is
13 reasonable and possible.

14 Who makes the determination as to
15 what is reasonable and what is possible?
16 How can we get some competent, objective,
17 neutral party to make those judgments? I
18 have some photographs which in the interest
19 of time I am not going to distribute them,
20 but I'm going to enter them into the record
21 through Sandy.

22 CHAIRWOMAN RICHARDS: Thank you.

23 MR. JAENIKE: Finally, a traffic --
24 turning -- it says page eleven, G, traffic
25 cutting through the road from Tavano to

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1 Morningside Court shall be discussed. What
2 does that mean? Shall be discussed? We
3 have been talking about this for two years
4 almost. Are we going to continue the
5 discussion, what are we gonna learn that we
6 didn't learn before?

7 In J, page twelve, fiscal impacts. I
8 hear that the reduction in value of nearby
9 properties could be included and should be
10 include. The last thing I want to say is
11 that throughout the entire paper there are
12 terms that are very troublesome.

13 For example, I just mentioned, an
14 issue should be discussed. Shall be
15 discussed, should be discussed, that's
16 mentioned ten times in the paper. As
17 necessary or feasible, seven times.
18 Describe and evaluate it, three times. No
19 next step specify once, for a total of 21
20 different references to uncertainty.

21 And I think that is an awful lot of
22 uncertainty to be left in this paper at this
23 point. And I understand that much of this
24 will be cleaned up later on, at the same
25 time going into that file of the DEIS paper.

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1 I would hope that you would do a better job
2 of addressing those uncertainties. Thank
3 you.

4 CHAIRWOMAN RICHARDS: Thank you. Any
5 other member of the audience would like to
6 speak specifically on the scoping document.

7 MR. SIEMINSKI: My name is Richard
8 Sieminski, and I reside within the Town of
9 New Castle on Edgewood Road, which is nearby
10 Tavano Road. I guess you would call the
11 town -- outside the town of. I have many
12 concerns regarding the negative impact which
13 the High View Farm cluster development will
14 have upon our neighborhood's quality of life
15 and property values. I would like to thank
16 the Planing Board for allowing us to make
17 our comments tonight.

18 Clustering is inherently unpopular
19 due to inconsistent use of land relative to
20 its surroundings. As such, the proposed R5
21 clustering will detract from surrounding
22 property values, which are zoned R-40. I
23 live in an R-40, I can pretty much
24 anticipate what that would mean if it goes
25 through.

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1 However, as we learned at an
2 informational meeting that was conducted
3 last year, property owners cannot legally be
4 denied their right to cluster development of
5 their property. Notwithstanding the
6 existence of that law being what it is, the
7 significant detriment to surrounding
8 property owners is an additional
9 consideration that must be taken into
10 account.

11 Clustering is not a concept that
12 simply solves the dilemma for builders to
13 squeeze maximum units onto otherwise
14 unbuildable land. In this case, the central
15 location of unbuildable wetlands has forced
16 the units proposed within High View Farms to
17 be clustered at the perimeter of this
18 property, and will result in significantly
19 negative impacts to the surrounding
20 neighbors.

21 Open space that remains will be
22 enjoyed only by the residents of the new
23 properties, whereas property values of the
24 surrounding neighbors will decline
25 significantly due to the inconsistent scale,

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1 close proximity and limited scope of the new
2 housing units.

3 Aside from the lot sizes, the units
4 currently have been limited to just two
5 bedrooms. What then will the square footage
6 for the living space be for each unit?
7 Isn't this proposal significantly out of
8 character relative to the surrounding
9 properties?

10 Also, will a homeowner association
11 with fees be established to ensure proper
12 maintenance of common areas, such that
13 changes to the topography won't impact
14 neighbors down the road, and any
15 remediation, if and when flooding occurs?

16 If not, who will fund those costs,
17 the builder or the town? Also of concern is
18 that one of the proposed cul-de-sac roads
19 runs adjacent to the backyard property lines
20 of homes located on Tavano road, which
21 creates new frontage on their backyards.

22 I request the Town of Ossining's
23 Planning Department to investigate and
24 advise the public regarding the legality of
25 such an arrangement, and whether the

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1 developer in this case should be liable for
2 the decreased fair market value of their
3 residences due to having become surrounded
4 with traffic and a resulting loss of
5 privacy.

6 Furthermore, accordingly to the
7 Ossining Town Code regarding street layouts
8 Chapter-Section 176-14, item C. Minor
9 streets shall be laid out that their use by
10 through traffic will be discouraged.

11 Currently the options proposed for
12 High View Farm varying with each other,
13 regarding the access to Morningside Court
14 such that a crash gate in one option, or may
15 not be installed in the others.

16 The intent for this gate needs to be
17 clarified regarding whether thru traffic
18 would be allowed. The building of new roads
19 to intersect with an existing cul-de-sac
20 should also be designed and implemented at
21 the builders expense to ensure public safety
22 and aesthetic integration of homeowner
23 frontage with the new intersections.

24 Aside from the long term detriments
25 to neighbors the following impacts through

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1 and during the development also need to be
2 considered. Slope exposure from excavation
3 and soil stock piling should be immediately
4 protected by silk fencing and hay bales.

5 The slope stabilization, via grass
6 and/or other plantings should occur during
7 the current growing seasons and not a
8 subsequent winter season. Rock excavation
9 and blasting concerns. I am sorry I am
10 telling you, this is repetitive, but I want
11 to make sure it gets into the record.

12 Deep testing of every fifty feet on
13 the center of roads should occur to verify
14 the quantity of rock to be excavated.

15 Develop a study to determine and document
16 the weights of loads from these roads from
17 vehicular traffic in them and show how the
18 subsurface foundation would be able to bear
19 them. Demonstrate how the subsurface will
20 not be washed out overtime causing the road
21 and especially its edges to collapse.

22 Provide guarantees to the Town for
23 road damage repair using bonds or other
24 third party guarantee, provide a study of
25 the impact of jack hammers on neighboring

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1 foundations, and we are not talking about
2 the little manual ones, we are talking about
3 the huge tractor types. Guarantee against
4 homeowners damages for a bond or a third
5 party guarantee.

6 Provide documentation assessing the
7 impacts and risks of blasting on the Croton
8 aqueduct, neighboring foundations and
9 children playing in Ryder Park. Finally on
10 balancing, and I know this is subjective and
11 an opinion, but it seems to me obvious that
12 the cost and impacts to neighbors and the
13 environment, outrageously outweighs the
14 benefits to be derived by allowing R-5
15 zoning.

16 This would not be an equitable
17 development with respect to the surrounding
18 neighbors enjoyment of their properties.
19 Adhering to R-40 zoning originally
20 designated by the Town or something less
21 dense, seems more appropriate. Thanks for
22 your consideration of these comments.

23 CHAIRWOMAN RICHARDS: Is there any
24 other member of the audience that would like
25 to speak?

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1 MS. VAN STEEN: Madam Chair, I am
2 Deborah Van Steen, I live in the Village of
3 Ossining, I am an architectural historian, I
4 am on the Board of the Conservation
5 Historical Commission, I am also on the
6 Village Historical Preservation Committee.

7 Just a couple of comments in the
8 review of the scoping document. Page seven,
9 under E, historical and cultural resources.
10 This section needs to be supported by a
11 report and not just limited to
12 architectural -- archeological phase one,
13 and that report needs to be added to your
14 list of appendices. That report also should
15 be not only completed by a qualified
16 archeologist who meets the standards, but
17 also an architectural historian.

18 I also made note of the words help in
19 there, that is not -- how should I say it,
20 not an appropriate or a professional term.
21 The report should make recommendations which
22 would then be submitted to SHPO for comment
23 and concurrence in terms of their findings,
24 and then SHPO would direct additional work
25 should it need to be done in terms of

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1 archeology and historic architecture.

2 I have for submission to the record a
3 brief note I made up drafted on the
4 architectural importance of the Tavano Road
5 passage. I just want to point out that
6 generally in terms of historic architecture,
7 that a 50 year timeline is usually left out
8 in terms of what is evaluated.

9 Since the houses on Tavano Road were
10 part of the subdivision laid out in 1964,
11 that the houses themselves were built in
12 1966 throughout 1968, they will be coming
13 into that 50 year range, and so they
14 certainly will be 50 years by the time this
15 project will be executed. So, therefore
16 they should be considered as a historic
17 property and -- in terms of the report.

18 Just to make your lives a little bit
19 better and not belabor it, I will just
20 submit this for you to read when you have
21 time.

22 CHAIRWOMAN RICHARDS: Thank you.

23 MS. VAN STEEN: Thank you.

24 CHAIRWOMAN RICHARDS: Thank you. Do
25 we have any other members of the audience

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1 who would like to speak.

2 MS. SHARRATT: I have a couple of
3 questions that I didn't put in my letter.
4 It is just clarification that maybe I will
5 be able to read. I noticed that in all the
6 different documents that have submitted,
7 there is several different names for the
8 applicant. Is there in all the -- there is
9 a car wash, there is Zappico.com. Is
10 there -- do we have to use one uniformed or
11 do we have to include --

12 UNIDENTIFIED SPEAKER: We can't hear
13 you.

14 MS. SHARRATT: The fact that in every
15 document that has been submitted, Zappico --
16 it's either Zappico car wash, Zappico
17 Development, Zappico.com, Zappico. So, I
18 wanted to know that in the report there has
19 to be a consistent name.

20 MR. SPECTOR: Maybe the applicant's
21 attorney should address it.

22 MR. WEKSTEIN: Actually the scoping
23 document correctly has it. There are two
24 applicants. One is Zappico Construction,
25 Co. LLC, and one is Zappico Car Wash LLC.

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1 There is approximately a two-acre piece that
2 is owned by Zappico Car Wash. The remainder
3 is owned by Zappico Construction, in
4 Ossining.

5 MS. SHARRATT: So, then this would be
6 addressed.

7 MR. WEKSTEIN: Both are the
8 applicant.

9 MS. SHARRATT: Okay. So, when there
10 is in just one page here, is just says
11 Zappico, is that just to shorthanded like
12 that.

13 MR. STOLMAN: I think we are --

14 MS. SHARRATT: I don't know, it just
15 it seems like -- I don't want to --

16 MR. STOLMAN: I think my attorney
17 will --

18 MR. SPECTOR: We can clean it up so
19 the references are uniformed.

20 MS. SHARRATT: Okay. So my other
21 question and this is also for clarification,
22 I didn't really understand what this meant.
23 On page seven, it says a tree survey would
24 also be performed listing all Town and
25 regulated existing trees. What does that

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1 mean, the Town regulated existing trees.

2 MR. STOLMAN: Trees that are
3 regulated by the tree ordinance.

4 MS. SHARRATT: Is that just by
5 diameter or --

6 MR. STOLMAN: Well, I don't have --

7 MS. SHARRATT: -- by species?
8 Because I looked through the tree law, they
9 actually have the wrong one on the website,
10 I had it printed out and I made copies if
11 you want.

12 MR. STOLMAN: They are defined within
13 the chapter.

14 MS. SHARRATT: Is it by species or is
15 it by size?

16 MR. STOLMAN: Size, I believe.

17 MS. SHARRATT: Size, okay. I think
18 it said six inches of diameter.

19 MR. STOLMAN: I think you are right.

20 MS. SHARRATT: Great. I just wanted
21 you to clarify that because I wasn't sure.
22 Thank you.

23 CHAIRWOMAN RICHARDS: Is there any
24 other member of the audience who would like
25 to speak on the scoping document tonight?

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1 Thank you.

2 MR. WEKSTEIN: May I be heard
3 briefly?

4 MS. MASSERMAN: When will we be able
5 to see -- I know it is due on the 15th.

6 CHAIRWOMAN RICHARDS: Can you come
7 forward again?

8 MS. MASSERMAN: Oh, I am sorry. I
9 noticed that this test has to be completed
10 by the 15th, when will we see a second
11 draft? Will we be able to see that ours
12 thoughts were included or the EAC or
13 whatever?

14 CHAIRWOMAN RICHARDS: David, can you
15 answer that question for us?

16 MR. STOLMAN: I am going to try to
17 incorporate everything that has been offered
18 as soon as possible. I'm not sure when it
19 is going to be done exactly, it is going to
20 be done before the 6th, which is our next
21 meeting.

22 CHAIRWOMAN RICHARDS: We are having a
23 meeting on May 6th to discuss this --

24 MS. MASSERMAN: That's next
25 Wednesday.

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1 CHAIRWOMAN RICHARDS: Yes.

2 MR. STOLMAN: I think the intention
3 is to adopt the final scope on the 6th.

4 CHAIRWOMAN RICHARDS: Yes.

5 MR. STOLMAN: That's our last
6 meeting --

7 CHAIRWOMAN RICHARDS: So the public
8 will have an opportunity to see it prior to
9 our adoptions.

10 MS. MASSERMAN: So like for instance,
11 I mean, I don't want to complain, although
12 we got this document yesterday, and then
13 it's probably ten hours of my time in
14 reviewing it to get here tonight, where as
15 if it came a few days earlier, and I know
16 that the EAC report was issued on the 15th
17 of April, and I was very surprised to see
18 that more of their information was not
19 adopted into this document.

20 CHAIRWOMAN RICHARDS: Okay.

21 MR. HOEFLICH: Is there a legal time
22 limit you you should send it so that we can
23 review it, so everyone in the town can
24 review it or not?

25 MR. SPECTOR: We have a time limit.

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1 MR. STOLMAN: So, I am going to get
2 this done as soon as I possibly can and give
3 it to you as much in advance of the 6th as I
4 can, but I am not sure when it is actually
5 going to be done.

6 CHAIRWOMAN RICHARDS: Is there
7 another member of the public who would like
8 to speak specifically on the scoping
9 document tonight? Is there a Board member
10 who would like to make a comment at this
11 point?

12 MR. HOUGHAM: I would like to make a
13 quick comment.

14 CHAIRWOMAN RICHARDS: Okay, please
15 do.

16 MR. HOUGHAM: I'd like to respond
17 briefly to Mr. Wekstein's comment about the
18 tree survey. I wrote a memo about this
19 earlier today, but I'll summarize it here.
20 Mr. Wekstein claims that there is little to
21 be gained by surveying trees outside of the
22 area to be disturbed, and I reject that
23 argument because without a thorough full
24 property tree survey there would be no way
25 to document tree removal beyond the limited

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1 there is that he has defined. And illegal
2 and unauthorized tree removal is not
3 uncommon in a development and I think that
4 is something that needs to be guarded
5 against.

6 In addition, I don't believe that the
7 large tract of land and large number of
8 trees that it refers to, is a -- an
9 especially large burden because it's exactly
10 proportional to the size of the property.

11 So, it is the same burden that any
12 property owner of any lot size
13 proportionally would have to do. So, I
14 strongly recommend that a full property tree
15 survey is retained as a scoping requirement.

16 CHAIRWOMAN RICHARDS: Thank you.

17 MR. STOLMAN: Just to sort of rebut
18 what you are saying Gareth. Because the
19 alternatives are varied and we don't know
20 which alternative may be chosen ultimately
21 by the Planning Board, either the proposed
22 project of one of the alternatives, unless
23 you do a tree survey for the whole property,
24 you are not going to know which trees are
25 affected by the various alternatives. So, I

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1 would agree with Gareth and just -- I just
2 wanted to mention one other thing.

3 In the section on alternatives we do
4 say, all cluster layouts shall be
5 substantial wooded common space buffer
6 between the proposed lots and the outer
7 property lines of the subject property. So,
8 we are not talking about any clusters that
9 have any lots up against any perimetered lot
10 lines.

11 CHAIRWOMAN RICHARDS: Thank you for
12 clarifying that.

13 MR. WEKSTEIN: May I be heard
14 briefly?

15 CHAIRWOMAN RICHARDS: Yes, please.

16 MR. WEKSTEIN: I don't mean to make
17 this too much longer. Number one, because
18 it has now been mentioned a few times. The
19 use of New York State Department of
20 Environmental Conservation standards for
21 wetlands on this site would be totality
22 inappropriate. And I would say contrary to
23 SEQRA which has -- SEQRA is one of the
24 fundamental principals is that SEQRA doesn't
25 change jurisdiction between and among

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1 agencies. You have your own wetlands
2 ordinances, we have the federal wetlands
3 ordinance, federal wetlands law, Army Corp
4 of Engineers criteria and that should be
5 what's in the scope, nothing more, nothing
6 less.

7 There has been requests that we do
8 studies of wetlands offsite, we do perc
9 tests offsite. We only own our property.
10 To the extent that these futures such as
11 wetlands can be determined from public
12 sources from aerial photos, we can do that.
13 But we can't be required by the scope to go
14 take perc tests and go do testing. Have a
15 wetlands consultant go within two hundred
16 feet of the site and do that.

17 Aside from the burden that would be
18 involved, we don't have -- again, we don't
19 have the capacity to do that. There are a
20 lot of things I would like to speak to, but
21 I won't, because I am not an expert
22 consultant.

23 I will say on the tree issue again,
24 on the survey, even if the Board thinks that
25 should be on the area of disturbance, I will

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1 ask that you don't require us to do it in
2 any of the areas of wetlands that are not
3 being disturbed, because no one would
4 suggest that we should be exploring
5 alternatives in terms of going into
6 wetlands. And if that happens, we would be
7 violating the law like anybody else in the
8 community.

9 And I would say, anybody else in the
10 community who would be working on a
11 property, does not have to get a tree
12 permit, does not have to survey their entire
13 site. As a development I understand there
14 is a distinction. And finally I would ask
15 that you not -- you've heard a lot of people
16 speaking here as to what people would like
17 to see.

18 I mean the way -- I believe the way
19 SEQRA work is, our professionals look at it.
20 They are the experts, they determine what's
21 appropriate in the study within reason. You
22 give them guidance, it has been asked. You
23 are the juror, but it goes beyond that.

24 Our consultants will do the studies
25 as you know, you will retain consultants to

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1 do -- to review those. Ultimately we will
2 have to reimburse you for that. So, this
3 isn't just us telling you things. But what
4 we are hearing tonight from the public, and
5 I don't mean to diminish their concerns, and
6 I think all of the issues have to be
7 addressed.

8 But I will ask you not to micromanage
9 what the studies will look like based on
10 what some of the people have spoken tonight
11 saying someone else told them should be
12 study and/or study. If I ask somebody who
13 is a third party a question and add a
14 context, I can get whatever answer I want.
15 Maybe that's because I do bad things because
16 I am a lawyer, but the fact is that at the
17 end of the day, at the end of the day, it
18 really should be the experts and what is
19 traditional on the field and not what people
20 are telling you they've heard from third
21 parties. And I thank you.

22 CHAIRWOMAN RICHARDS: Thank you.

23 MS. SHARRATT: In the Town of
24 Ossining, Wetlands -- Chapter 105 wetlands,
25 fresh wetlands, water pools, water bodies,

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1 Section 1057A2A1, additional information may
2 be requested by the Planning Board,
3 including any of the following: "The
4 location of all wetlands, watercourses and
5 water bodies on the site under review and
6 within two hundred feet of the site no
7 earlier than twelve months prior to the date
8 of filing the application. Thank you.

9 CHAIRWOMAN RICHARDS: Thank you.
10 Thank you all for all your comments. At
11 this point David and Wayne, we have a number
12 of comments and we will go over that. We
13 would like to include as many as possible in
14 the document to insure that we are taking a
15 very strong look at our wetlands or steep
16 slopes and all of the environment impacts,
17 that could potentially happen at this
18 development, and we want to make sure that
19 there is a very thorough study through
20 obviously this DEIS. So, we look forward to
21 receiving an updated document, and if you
22 have any comments you would like to share
23 before we close the meeting please do.

24 MR. STOLMAN: I have no additional
25 comment to make tonight.

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1 CHAIRWOMAN RICHARDS: Okay, thank
2 you. Thank you all for attending tonight's
3 meeting. We had a very productive meeting
4 and we believe the scoping document is going
5 to provide us with all the information that
6 we need to move to the next step of the
7 DEIS. Have a good wonderful night.

8 MR. WEKSTEIN: Thank you, very much.

9 (Time noted 9:14 p.m.)
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C E R T I F I C A T I O N

Certified to be a true and accurate
transcript of the aforesaid proceeding.

Eunice Patchen

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