

April 19, 2023

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on April 19, 2023 at 7:30 p.m. at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference.** Members of the public were able to attend in person or view and/or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/89718046589>

There were present the following members of the Planning Board:

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

Also Present:

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

Terra Rustica Ristorante, 550 North State Road, Site Plan Amendment & Architectural Review

Mr. Abel Magana, Applicant, Mr. Kory Salomone, Attorney and Mr. Lou DeMasi, Architect were in attendance. Mr. Salomone gave a brief update of the project to the Board. The applicant is proposing to enclose the existing covered porch with clear tempered glass. This project was originally brought to the Planning Board in the fall of 2022. During those meetings concerns were raised regarding the adequacy of existing on-site parking, architectural materials including how the windows open and close and how the enclosed porch will be heated and cooled.

Architectural Plans, photo of proposed window style and product data sheet for a single packaged heat pump unit were submitted March 20, 2023. With respect to overflow parking, the applicant has entered into a lease agreement with a neighbor at 557 North State Road for an additional twenty parking spaces. The glass panes have been revised to show how the panels open. Mr. Salomone reiterated the fact that their prior approval, they were approved for thirty seats on the covered porch and that is what is going to remain. They are not asking for any additional seating. Ms. Sharrett noted that there are eighty seats, not thirty. Mr. Magana said, no, there are thirty-six seats on the porch. They did store some extra chairs in the winter months when the deck was not in use. According to Mr. Magana, these seats were from a permitted tent that they were using on a side patio during Covid times which is no longer there.

Mr. DeMasi noted that they are looking to enclose the existing porch with windows. The bottom part is going to be fixed glass. The upper part is going to be sliding windows. For heating and cooling the space they are providing a single packaged heat pump unit which will be located on the side of the building where you can't see it. Mr. DeMasi brought a sample of the glass framing material for the Board to see.

Ms. Stevens asked how many seats are there in total. Mr. Magana said there's 100 inside and about 36 outside. Ms. Sharrett expressed concern with the overflow parking at 557 North State Road and asked the applicant where on the site is the extra parking located. Mr. Magana said the parking spots will be around the front and side of the building, not in the back. Mr. Salomone clarified that they are going to park in the front of the building at 557 North State Road not in the rear and mostly for overflow parking only. The business at 557 is closed in the evenings. Ms. Sharrett asked to have that parking information in writing. With regard to the heat pump installation for the porch, Mr. DeMasi noted that these units are super quiet. Mr. Enriquez noted that the final location of the heat pump is governed by the Building Department as far as setbacks and installation. Mr. Ciarcia asked for clarification of the parking schedule at the alternate location. It was noted that the business at 557 North State Road is Power Up Garage, an auto repair site, they are closed in evening hours and have ample parking spaces even earlier in the day when they are open. At this time, Ms. Stevens asked consultants what the next steps are.

Terra Rustica Continued

Ms. Monastra noted that this can be advertised as a public hearing for the next meeting of the Planning Board scheduled for May 17, 2023. Although, this was in front of the Board for Public Hearing back in September of 2022 it was not adjourned to a date certain so it will be re-noticed and a draft resolution could be prepared for review at the May 17th meeting. Ms. Stevens asked the Board for a motion.

A motion was made by Mr. Mencher, seconded by Mr. Bossinas and unanimously passed by the Board to set a public hearing for May 17, 2023 and to have consultants prepare a draft resolution for Terra Rustica Ristorante, 550 North State Road Site Plan Amendment.

Mark Picucci Subdivision, 51 Croton Dam Road, Request for a 90-day Extension of Time to Complete Resolution Items

Mr. Mark Picucci was in attendance. He brought his subdivision plat and asked the Chair for signature. There are still a few items required before the Chair could sign the plat, these are preparation of the bond for review, easement agreements and review of the stormwater maintenance agreement. These need to be submitted in draft form to Town Attorney and Bond to Town Engineer for final review. Copies of the private easement agreements for the driveway were not yet recorded with the Westchester County. According to Mr. Picucci, they are not able to file the easements without the signed plat being filed. Ms. Zalantis clarified that the resolution reads that those have to be recorded prior to signing the plat. After some discussion, the Board agreed that the resolution can be amended so that the easements could be recorded and filed prior to issuance of a building permit rather than prior to signing the plat.

A motion was made by Mr. Bossinas, seconded by Mr. Mencher, and it was unanimously approved by the Board that the Picucci Subdivision, 51 Croton Dam Road Resolution of Approval be amended so that the requirement for easements are recorded and filed prior to issuance of the building permit rather than prior to signing of the plat.

Ms. Zalantis advised Mr. Picucci that a draft of the Bond and the Stormwater Maintenance agreement will still need review and approval and the Board needs to consider granting a 90-day extension of Subdivision Approval.

A motion was made by Mr. Bossinas, seconded by Mr. Enriquez and unanimously passed by the Board to grant a 90-day extension of time for the Picucci Subdivision 51 Croton Dam Road Resolution of Subdivision Approval to complete items as discussed and amend Resolution.

River Knoll Multi-Family Development, 40 Croton Dam Road Supplemental Final Environmental Impact Statement (SFEIS) Comments Completeness Review

Mr. Glen Vetromile was in attendance requesting additional review of his responses to the SFEIS document. Ms. Stevens reminded Mr. Vetromile that the SFEIS document becomes the Planning Board's document and must be in acceptable form for the Planning Board and it needs to have language that is appropriate for the Board to approve. This has to be acceptable to Town Consultants and Town Consultants who also work with the Town Board and right now the document is not in acceptable form. Some responses and answers have been incomplete and lacking in many areas. The Board is willing to clarify any issues but the document must be submitted in an acceptable form.

Mr. Vetromile discussed his responses to issues which were outlined at the last Planning Board meeting in a comment memo provided by Ms. Monastra. An updated version of the memo was recirculated to the Board and the Town's Website. This version has Mr. Vetromile's responses highlighted and notes as to why these responses are still lacking or incomplete. Again, the Board went through certain points of the memo that were not adequately addressed. Ms. Zalantis reminded Mr. Vetromile that he needs to incorporate his verbal responses into the revised FEIS document and submit that document to the Board.

River Knoll Continued

Ms. Monastra also reiterated that the Planning Board has reviewed the FEIS document, reviewed the responses, and provided another copy of the comments review memo with additional review. The memo also outlines the planning board's comments on how those items were addressed and it's clear that these were not answered adequately.

Mr. Vetromile started to talk about the Kimley Horn Traffic Study Memo, dated March 13, 2023, where it is asking for additional information regarding bus stop locations. He said he recently spoke to the school district and the transportation department. Mr. Vetromile said there are two stops on Pershing Avenue and Narragansett but he argued why a bus stop located behind the project (Narragansett) would have any impact or be necessary. Mr. Mencher redirected Mr. Vetromile to the Kimley Horn memo where it is asking information on the existing school bus stops in the **study area**, morning and afternoon pick up and drop off times of each of those locations. There is clearly no information provided in response to this.

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

The applicant has not provided the required information on school bus stop locations in the study area as well as the morning and afternoon drop off and pick up times for each of those locations. This is information that the school district could provide. This is also information that the applicant could have gathered through field observation.

Ms. Monastra continued to outline each item in SFEIS review memo that is not addressed properly and the Board continued to offer recommendation and suggestions. Overall, the Planning Board urged that Mr. Vetromile respond to the FEIS properly, put his responses into the document and provide details he is verbalizing to the Board in written form into the document itself.

A copy of Nelson, Pope, Voorhis March 10, 2023 Memo below with responses that were discussed follows:

GENERAL DOCUMENT COMMENTS

1. The Town of Ossining received public comments from 12 different submissions, and only six (6) were listed in the FEIS. Please revise the FEIS to include all public comments and responses to all comments. The missing comments are appended to this memorandum.

[Comment Response: We will respond to the comments under separate cover.](#)

2. Project Description and Executive Summary: There is a discrepancy in the Project Description and Executive Summary regarding the number of units that will be built. Is it 95 or 96 units? Please provide an updated zoning table that corresponds to the number of units proposed.

[Comment Response: Unclear on which "zoning table" you are referring to.](#)

3. Please review Section 617.9(8) of the State Environmental Quality Review regulations and include all required items, specifically the reference or incorporation of the SDEIS into the SFEIS.

[Comment Response: Please clarify what you are requesting.](#)

1. In comment 1A-1, the Applicant is asked for a better explanation of the price point of the units and anticipated residents. In Section I.E, as well as their comment response 1A-1, the Applicant notes that "*a greater range of price points for the proposed market rate units has been provided with the addition of 20 "stacker" units in addition to the 10 affordable stacker units provided in the SDEIS Plan.*" Is "stacker unit" referencing the buildings noted as containing two dwelling units within one building in the Site Plan? If so, these units should be identified or labeled on the Site Plans as "stacker units."

We can do this.

Furthermore, Section I.E notes that "*the ten affordable units provided have now been spread throughout the Project site in three locations and fully mixed within the market-rate units. Their sizing will be larger than HUD guidelines and be very roughly 1,400 square feet for a two-bedroom unit and 1,700 square feet for a three-bedroom unit.*" Will the only difference between the additional "20 'stacker' units" and the "10 affordable stacker units" be the price point, or will the units have different sizes/amenities?

River Knoll Continued

Comment Response: Neither the affordable nor market-rate stacker units have been fully designed and the differences between them have not been determined. They have only been conceptually designed with general sizing and layout for each type. The exteriors of either unit type will be, generally speaking, indecipherable from the market-rate units with high-quality Hardie plank siding, metal-frame windows, and quality doors and garage doors. Internally, the market-rate units will have a higher level of finishes, higher quality kitchen appliance package, higher quality bathroom finishes, etc. However, the affordable unit interiors will have very good quality materials, appliances, construction, etc.

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

Once again, these units have not been fully designed and we have ranges of sizes.

Comment Response: We will provide under separate cover.

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

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

Comment Response: This will be corrected.

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

The response to 1A-5 and 1A-6 should include additional information on the number of trees that will be preserved and their locations on the site plan. Response to comment 1A-7 should include some example plant species that are being considered. In addition, the Town of Ossining has landscaping standards that should be incorporated into this response.

Comment Response: The current concept site plan and concept landscaping plan show the intentions of providing substantial green buffering throughout the site to adjoining neighborhoods. A comprehensive, cohesive and unified formal landscaping plan will be provided at the formal site plan stage of this Project. The exact footprints of the units, exact design of roadways and their profiles, storm water control design, retaining walls and other aspects will be fully designed and engineered. It’s at that point that the number of trees to be removed will be fully known. Similarly, the number of non-diseased trees will also be better understood, and with the full formal landscaping plans, the type of trees and shrubs will have been selected. The plans will show all planting details, etc.

4. The response to comments 1B-4 and 2-10 states, *“the Town Code states that properties that otherwise meet the requirements of the Multifamily (MF) district can apply to be rezoned, anywhere in the Town and not necessarily adjacent to the existing MF zones which are predominantly within the western side of Unincorporated Ossining, as noted above.”* Please provide the section of the Town Code that states this in your response.

River Knoll Continued

Comment Response: Unclear as to what is being requested. Please expand.

5. The response to comment IB-5 states, “*this information is provided on Table I-2 within Section I.F of the SFEIS.*” The SFEIS does not include Table I-2. Please provide a list of variances that will be needed.

Comment Response: To be provided.

6. The response to comment IB-6 is not complete. At a minimum, the response should refer to mitigation measures, plans, maps, images, and detailed responses for each of the items raised.

Comment Response (a) and (b): The existing psychiatric hospital site was substantially altered by the nine existing hospital buildings, three parking lots, basketball court, playing fields, and its many retaining walls. Over the years, the site has been mowed throughout including the entire eastern side of the property adjacent to First, Second and Narragansett Avenues, and along the quarter mile-long meadow fronting Croton Dam Road, and the entire meadow adjacent to Narragansett Avenue. Four of the existing hospital buildings – the Recreation Building, the West Building, the Garage, and the Maintenance Building (*see Figure 2-2 of the June ’22 SDEIS*) will all be razed (as will all the hospital buildings) and replaced with new healthy trees and greenery and storm water management control. The site currently also has many unstable existing retaining walls. There is no comprehensive storm water management system and, as such, the homes alongside Second Avenue and Pershing experience storm water runoff from the hospital property. These homes will all now benefit from a new comprehensive storm water management system that is designed to channel all stormwater to detention swales.

Regarding fauna and natural habitats, there is little wildlife on this site. The site has been altered by the hospital buildings and the operation of the hospital over many years, and the mowing of lawns. And as the site is surrounded by developed areas, there are no migration corridors that exist on this property or that connect to such corridors.

Comment Response (c): The existing storm water runoff condition will be greatly improved on the entire site including the south and easterly portion adjacent to Second Avenue and Pershing Avenue. The engineered storm water system will greatly improve storm water control not only for the Project site, but also from the rear-yard runoff of the homes on First and Second Avenues. The SDEIS Section III-D provides summary of the stormwater management plan and presents the percent reductions in peak rates of storm water runoff of the existing condition versus the proposed condition post construction (*see Table III.D-2 of the June ’22 SDEIS*).

More importantly, the 644-page Storm Water Pollution Protection Plan (“SWPPP”) has been provided to you under Volume 2 of the SDEIS. That document provides enormous detail of the storm water management planning, methodology of evaluation and design, approach to soil erosion and sediment control, construction phasing, and post-construction maintenance. Analysis is given for the 1 year, 10 year and 100-year storm events. This document provides permanent control measures and facilities for long-term protection with discussion on infiltration basins, catch basins, rip-rap energy dissipators, and seeding protocols. Appendix E of that document provides the “Maintenance Inspection Checklists” for stormwater basins and management areas.

Comment Responses (d), (e) and (f): There are only ten units at this location and not 53 units. The comment’s length and height figures are not correct. The retaining wall in this area is approximately 320 feet long, and at its highest point, which is the southeasterly edge, it is approximately eight feet high, although it is tiered and steps back from the property line. From that point, the retaining wall tapers downward as it heads northward along the property line and is approximately three feet in height at the northernmost edge. It should also be noted that the adjacent homes on Second Avenue are non-conforming to setback requirements and are nearly on the property line. The two-tier structure of the retaining wall allows for the wall to be planted with grasses which will minimize the perception of height. Additionally, it should be pointed out that the abutting homes on First and Second Avenues have basements or garages below the living areas and, as such, the site lines of the living areas are, generally speaking above the retaining walls. Any views from these homes will be above the top level of the retaining wall and viewing the new homes.

River Knoll Continued

7. The response to comment IB-7 is not complete. At a minimum, the response should refer to plans, maps, images, and provide detailed responses on how the proposed plan is addressing the issues of concern raised in the comment.

Comment Response (a): Yes, the revised site plan dramatically reduced the unit density on this portion of the Project site from thirty-two (32) units to ten units (10).

Comment Responses (b): The setbacks of the homes on Second Avenue are non-conforming and sit nearly on the property line. The existing hospital's Maintenance Building sits closer to the Project's property line than the proposed units in this location. Similarly, the West Building and the Garage building and adjacent parking areas are to be razed and turned into new green spaces with new trees and plantings and engineered storm water control.

Similarly, there are no units proposed on the meadow adjacent to Narragansett Avenue. This area is the location of the only wetland on the entire site (0.27 acres) and the concept site plan maintains the required wetland setbacks as per Town code.

Additionally, the Recreation Building which sits on the northern property line adjacent to the Grandview Avenue homes (see Figure 2-2 of the June '22 SDEIS) will be razed and nearest edge of proposed units will be fifty (50) feet from the property line, with all other units at further distances.

Comment Response (c and (d): please see comment responses 6a, 6b, 6c, 6d, 6e, and 6f above.

Comment Response (E): please see comment response "7b" above.

8. In comment IB-9, the Applicant was asked, *"if someone has to install an elevator because they cannot maneuver the stairs, what would the cost be, and who would bear that cost? Will the elevators be wheelchair accessible?"* The Applicant has not addressed these questions.

Comment Response: All the units will allow for the installation of an elevator which will be an option and it will be wheelchair accessible. The installation cost will differ by unit type but will range from \$27,000 to \$35,000 very roughly.

9. In the response to comment IB-10, please provide a table of the proposed unit types, sizes, and bedrooms.

Comment Response: Please see Comment Response #1 above.

10. In the response to comment IB-11, please provide how the proposed project will include accessibility for various income levels.

Comment Response: The table shown in Response #1 above gives a range of price points based on the size of the unit, number of bedrooms, location on the site. The stacker units are smaller and, as such, are at a lower price point. The ten affordable units are, yet again, priced lower. As such, the Project will offer a spectrum of unit offerings and a spectrum of price points based on these factors. As such, the unit offerings will work within the budgets of empty nesters and retirees of differing financial means.

11. Response to comment IB-12 is not adequate. Please explain how the affordable units will comply with the Town Code.

Comment/Response: The Project is being designed in accordance with all codes. To do otherwise would put the Project at risk of code violations and the inability to obtain certificates of occupancy. Throughout the design development, construction documentation, and construction processes, we maintain third-party consultants who review all documents to ensure compliance with local code, fire codes, state code, federal codes (ADA compliance), OSHA guidelines (on-site construction practices), and HUD guidelines to make absolutely sure that the Project conforms to these. Similarly, during construction, these compliance consultants regularly inspect the Project and construction for compliance.

River Knoll Continued

12. Response to comment IB-14 does not address the concerns that the proposed project will have greater impacts than the prior proposal. Please provide a detailed response to the concerns raised on retaining walls, impervious coverage, stormwater runoff, tree removal, and open space.

Comment/Response: The redesigned Project was done at the behest of the Town, which specifically requested this seniors-oriented home ownership product. The design of the new site plan specifically leaves the entire front of the site as green open space, and removes several hospital buildings and paved parking areas in the areas abutting First, Second and Pershing Avenues and replaces them with new green buffers. Similarly, the north side of the Project removes existing hospital buildings which sit on the property line adjacent to Grandview Avenue and also replaces this with new green buffers. Further, the entire Narragansett Avenue facing portion of the site remains green with an extensive green buffer. The only portion of the site that has near proximity to *any homes* is the easterly side of the site and only to three homes, and each of these existing homes is non-conforming with regard required Town zoning setbacks. Once again, at the request of the Town, we redesigned the Project and moved twenty-two (22) units to other parts of the site. The ten units that remain at this location were pulled back from the property line and lowered a full story. Additionally, the back facades of these units were given considerable attention to provide “architectural interest” with forward-facing gables, standing-seam metal roofs, and porches to ensure that they are attractive.

13. The response to IB-15 should include additional information on the number of trees that will be preserved and their locations on the site plan. The response should also include some example plant species that are being considered. In addition, the Town of Ossining has landscaping standards that should be incorporated into this response.

Comment/Response: There are very few good-quality, undamaged, non-diseased trees on the entire site. Both the north and south sides of the property will gain new healthy trees in place of existing buildings, parking lots and retaining walls. The views of the homes from Grandview, Pershing and Narragansett will greatly improve. The entire front of the Project alongside Croton Dam Road will continue to be green open space and will be sculpted and planted with attractive grasses and ornamental trees (e.g., river birches).

At the formal site plan submission stage of the Project a comprehensive landscape plan will be submitted which will include all details of plant types, planting details, decorative paving, irrigation details, and much more.

14. The response to comment IB-17 is not complete. At a minimum, the response should provide details on how the proposed plan addresses cut and fill volumes and import of fill.

Comment/Response: A detailed “Cut and Fill Analysis” is already provided and depicted on Figure 3.C-5 of the June '22 SDEIS, with narrative in section III.C of that document.

15. Comment 2-5 asks the Applicant about the level of affordability proposed for the ten affordable units, and what units are proposed to be affordable. It additionally asks to provide a description of how the proposed affordable units will comply with §200-35. The Applicant’s response does not sufficiently address this request.

Comment Response: please see responses #1 and #10 above.

16. Response 2-6 still does not mention the type of trail that will be proposed. Will there be sidewalks along the emergency accessway? Will there be sidewalks along the internal roads within River Knoll?

Comment Response: The Project will have weight-bearing pervious services – one accessing Narragansett Avenue across from Veterans Memorial Park and one to the northwestern edge of the site accessing Croton Dam Road (*please see “Layout Plan”, Figure I-2 of the June '22 SDEIS*). These accessways can also be viewed within “Context Model Visual Analysis” (*see Appendix C of the December '22 SFEIS*).

River Knoll Continued

The Project will have some internal walkways and their location will be determined at the time of formal site and landscape plans are prepared. Our designers intend to strike a balance between providing safe sidewalk access for the older empty-nester resident profile with a Project design that does not have unnecessary paved surfaces.

17. Response 2-7 refers to Response 2-6, which does not answer the question, “*will there be sidewalks added for this interconnection?*”

Comment Response: Please see Response 2-6 above.

18. In response to comment 4-1, please provide a summary of the geotechnical work done to date and its results. Also, provide estimates of where on-site blasting is most likely to occur.

Comment Response: No determination of the extent of blasting will be known until engineered design documents are prepared that provide detail on all unit footprints, foundation and footing design, and retaining wall design. During this design phase when the *exact locations* of the buildings will be known and full Geotech analysis will be undertaken specific to the footprints of each.

19. In comment 4-2, the Applicant was asked to provide a side-by-side illustration of the existing topography and the proposed topography so that a visual comparison can be made of pre and post construction impacts. The Applicant has not addressed this.

Comment Response: Section III.C “Soils, Topography (Steep Slopes) and Geology chapter of the June ’22 SDEIS provides a substantial amount of information regarding the geology of the site, thoughts on excavation, mitigation measure, comparisons of existing slopes (Figure 3.C-2), steep slope disturbances (Figure 3.C-3), preliminary site grading plan (Figure 3.C-4) and cut and fill analysis (Figure 3.C-5).

20. In comment 4-3, the Applicant was asked to provide a narrative that discusses the lengths and heights of the retaining walls proposed on site, which has not been included.

Comment Response: Please see Response 5d, 5e and 5f above.

21. In comment 4-5, the Applicant was asked to provide the anticipated amount of fill to be used for the retaining walls, and, again, provide their heights and lengths. This information has not been offered, aside from the heights of the retaining walls noted on the Site Plan.

Comment Response: Please see Response 5d, 5e and 5f above.

22. Corresponding to comments 4-1 and 4-7, significantly more information about potential blasting work (how much, period of time, potential mitigation practices) is warranted.

Comment Response: Please see Responses #18 and #19 above.

23. Comment 5-1 asks the Applicant to provide a description of how the stormwater infiltration basin will be planted and maintained. The comment asks if this feature will be a mowed lawn or a beneficial prairie area, if it will be mowed yearly, and if the plants will be native plants or lawn grasses. In their response, the Applicant indicates that the flat basin floor area must be comprised of grass turf, along with a grass channel provided at the inflow to the basin. However, no information was provided as to the proposed maintenance practices of the stormwater management areas. Routine upkeep is required in order to ensure these stormwater management features function properly. Similarly, to comment 5-1, comment 6-1 again asked the Applicant to identify the plantings/vegetation proposed for these areas, as well as the frequency with which the vegetation comprising the infiltration basins, noted as “grass turf,” will be mowed. This request was not addressed. Will these stormwater management areas adhere to the planting specifications outlined in the “Specifications for Final Stabilization of Graded Areas” section on Page 31 of the SWPPP?

Comment Response: Please see Response #3 above. Once the formal landscaping plan is fully designed, the method of maintenance for plant types and care, and storm water management will be addressed. However, the Storm Water Pollution Protection Plan (*Volume 2 of the SDEIS*) provides detail on the

River Knoll Continued

storm water management planning, approach to erosion and sediment control, construction phasing, and post-construction maintenance.

24. Regarding comments 5-5 and 6-10, the Applicant has not provided more information on the anticipated phases, or “sequences,” of the disturbance and the acres associated with each phase, or “sequence.” Please provide this information.

Comment Response: Please see Appendix E of the June '22 SDEIS entitled “Construction Management Plan” depicting construction phasing, temporary construction measures, construction parking and staging.

25. Comments 5-6 and 5-7 ask the Applicant to provide a swale maintenance plan. This information was not provided.

Comment Response: Please see comment response #23 above.

26. Comments 6-3 and 2-11 ask the Applicant what will be done to prevent birds from unintentionally flying into the large windows. A response to that comment was not provided.

Comment Response: This is not a concern that should be addressed specific to this Project. This is an issue that can be factor with any building with windows. If the Town believes that this is a universal problem, then it should enact laws/codes to address this issue – if such codes could, in fact, be enforceable.

27. Landscaping Plan. The following comments were identified as “acknowledged” or “noted” by the Applicant and assured to be included in the final Landscaping Plan to be submitted as part of the Site Plan Review process. However, the accompanying changes were not undertaken for the submittal of the SFEIS.

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

Comment Response: The plantings for the retaining walls will be specified within the landscape plan to be submitted with the formal site plan application. The landscape plan will address all plant types throughout the entire Project and suggested maintenance.

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

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

Comment Response: In consultation with those involved with other projects within the County, and through our own experience with other projects within the County, all have had similar recommendations by the County Planning Board. The comment regarding inflow/infiltration is a typical comment. We recommend guidance be provided by the Town Engineer.

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

Comment Response: Please see Appendix E of the June '22 SDEIS entitled “Construction Management Plan” depicting construction phasing, temporary construction measures, construction parking and staging. Also the Storm Water Pollution Protection Plan provides construction phasing measures with regard to storm water control.

River Knoll Continued

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

Comment Response: During the initial excavation, foundation and structural framework stage of the Project's construction it is easier to estimate the potential trips needed for this work as it is the most requiring of trips and volumes of materials needed for delivery or removal can be better estimated. Once these stages are complete and the buildings are enclosed, the work internal to the structures is much less requiring of significant deliveries of materials. As an example, sheetrock or HVAC equipment delivery can be provided in one or two truck loads a week. After the initial construction phase material deliveries taper off, most remaining trips pertain to the few teams of carpenters, mechanical/electrical installers, sheetrock installers, and cabinet installers that will continue their work at the site. These trades are sequenced (e.g., sheet rock team cannot commence until all MEP contractors are complete with their work, by unit) so not all of trades are present at site at the same time. Typically, these workers arrive in a few truck/cars early in the morning and typically leave late afternoon.

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

Comment Response: Please see Appendix E of the June '22 SDEIS entitled "Construction Management Plan" depicting construction phasing, temporary construction measures, construction parking and staging.

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

Comment Response: it is an interesting question that will be better addressed as the site plan and unit plans are further evolved. However, there are many factors that go into the minimization of solar heat gain such as the orientation of windows, window coatings, roof overhangs, vegetation, etc. Several townhouse clusters contain one or two units with larger glazing area and a variety of shade-providing products are available to mitigate heat-gain within units. Some measures include automated blinds or reflective curtains that respond to sunlight, as examples.

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

Comment Response: Several of the mentioned technologies will be considered as the Project evolves in its design. Similarly, technologies for energy savings are evolving rapidly. Technologies that were available when we commenced this Project 8.5 years ago have often been superseded by newer-yet technologies. We will embrace any practicable technologies that provide cost efficiency and are those that the marketplace is receptive to.

River Knoll Continued

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

Comment/Response: [Please see comment response #33 above.](#)

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

Comment Response: We plan to orient the glass wall of the front entry building northward toward the entry road as we believe this will be a welcoming gesture to those arriving at the Project. This orientation will be toward the open meadow fronting Croton Dam Road and we do not expect significant wildlife to be present in this location.

End of NPV Memo .

Mr. Mencher re-read Kimley Horn's comment regarding School Bus Stops, No. 9-5 (School Bus Stops/Safety) as follows:

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

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

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

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

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

Mr. Mencher said that he would like to see this issue addressed.

Mr. Vetromile thanked the Board.

Minutes

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

Adjournment

A motion was made Mr. Mencher, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the Planning Board meeting to May 17, 2023.

Time Noted: 9:20 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: May 17, 2023