



# Village of Ossining

16 Croton Avenue  
Ossining, NY 10562

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**Karen M. D'Attore**  
Village Manager

December 20, 2022

Carolyn Stevens, Chairperson  
Ossining Planning/Architectural Review Board  
John-Paul Rodrigues Operations Center  
101 Route 9A - P.O. Box 1166  
Ossining, NY 10562

Re: Site Plan Amendment for Indian Brook Water  
Treatment Plant (IBWTP)

Dear Chairperson Stevens:

The Village of Ossining ("Village") seeks to amend the conditional site plan approval issued by the Town of Ossining Planning Board ("Board") for the new Indian Brook Water Treatment Plant ("IBWTP" or "Plant").

Conditional Site Plan Approval for the new IBWTP was adopted by the Board on December 12, 2018. Final site plan approval required certain conditions being met, including issuance of Westchester County Department of Health ("WCDOH") Approval of Plans, and other permits and approvals. During WCDOH's review, a new water quality concern at the existing IBWTP prompted the need for an amendment to the 2018 design. The design amendment included the addition of a hydrogen peroxide/UV Advanced Oxidation Process (AOP) and powdered active carbon (PAC) to treat 2-Methylisoborneol (MIB), which contributes to taste and odor events experienced. The design documents addressing these changes (amended design) were submitted to the Health Department in July 2021. WCDOH approved the 2018 Project Plans on November 22, 2021. The amended design was approved by WCDOH on November 7, 2022.

As a result of the additional processes, there are differences between the 2018 site plan and the amended design site plan. Namely, a PAC Building and a Peroxide building were added, and the footprint of the main treatment building was extended approximately 40-ft to the southeast to accommodate the UV reactors. Therefore, with the enclosed submittal, the Village requests a Site Plan Amendment that considers these updates. Discussions have advanced between the Town and Village regarding a wetlands mitigation strategy for the permanent disturbance to the on-site

wetlands as a result of the Project. This packet includes an overview of the current wetland mitigation plan, along with an update on the status of local, state, and federal permitting efforts to facilitate the Planning Board's review.

Village representatives look forward to discussing this application with the Board on January 18, 2023.

Thank you for your review and consideration.

Sincerely,



Karen D'Atto  
Village Manager

cc: Stuart Kahan, Corporation Counsel  
Maddi Zachacz, Assistant Village Manager  
Paul Fraioli, Village Engineer  
Andrew Tiess, Water Superintendent  
Michael Broder (Hazen & Sawyer)

Enclosures:

Appendix 1 - 2018 IBWTP Site Plan Approval Resolution  
Appendix 2 - 2020 Site Plan Extension Resolution  
Appendix 3 - Site Plan Amendment Application Form  
Appendix 4 - Site Plan Amendment Supporting Documentation

## **APPENDIX 1**

### **2018 Site Plan Approval Resolution**

PLANNING BOARD  
TOWN OF OSSINING, NEW YORK

INDIAN BROOK WATER TREATMENT PLANT  
RESOLUTION OF SITE PLAN APPROVAL

WHEREAS, the Town of Ossining Planning Board has received applications from the Village of Ossining (the "Owner" and "Applicant") for Site Plan, Wetlands Permit, Tree Removal Permit and Architectural Review Board Approvals for the construction of a new, larger Indian Brook Water Treatment Plant (IBWTP) on the existing IBWTP property located in the Town of Ossining (the "Project" or "Proposed Action"); and

WHEREAS, the subject property is located at 25 Reservoir Road/Old Albany Post Road, is identified on the Town of Ossining tax maps as Section 80.15, Block 1, Lot 1, and is located in the R-30 One-Family Residence zoning district (the "Site" or "Subject Property"); and

WHEREAS, the Applicant has submitted an Application for Planning Board form dated June 1, 2018; an "Environmental Assessment Statement" containing a Full Environmental Assessment Form dated September 2018; and the following plans generally entitled, "Indian Brook Water Treatment Plant, Village of Ossining, New York," prepared by Hazen and Sawyer and dated July 2018 unless otherwise noted:

1. C-02, "Civil, Overall Site Plan."
2. C-06, "Civil, Site Plan, Sheet 1 of 3."
3. C-07, "Civil, Site Plan, Sheet 2 of 3."
4. C-08, "Civil, Site Plan, Sheet 3 of 3."
5. A-13, "Architecture, Treatment Building, Building Elevations – Sheet 1 of 2."
6. A-14, "Architecture, Treatment Building, Building Elevations – Sheet 2 of 2."
7. A-15, "Architecture, Treatment Building, Canopy and Vestibule Details."
8. A-20, "Architecture, Potassium Permanganate Building Elevations."
9. L-01, "Landscape Plan."
10. L-02, "Landscape Details;" and

WHEREAS, the Applicant has also submitted the following set of architectural renderings generally entitled "Indian Brook Treatment Plant," prepared by Hazen and Sawyer and undated:

1. "Entry Gate Rendering."
2. "3D Facility Entry."
3. "Elevations."
4. "Elevations;" and

WHEREAS, the Planning Board is familiar with the Subject Property and the general vicinity of the Subject Property; and



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WHEREAS, the Planning Board has reviewed the Project in accordance with the standards for approval contained in the Zoning Law, including Section 200-50, Approval of Site Plans, of the Ossining Town Code; and

WHEREAS, the Planning Board has determined that the Applicant has met the application procedures specified in Section 200-50.C, Procedure, of the Code of the Town of Ossining; and

WHEREAS, the Planning Board has determined that the subject application meets the requirements of Section 200-50.D, Site Plan Elements, of the Code of the Town of Ossining, except as may be noted below; and

WHEREAS, the Planning Board has received comments and recommendations from the Board's Engineering Consultant, the Town's Planning Consultant and the public, and has given due consideration to said comments; and

WHEREAS, the Planning Board referred this application to the Westchester County Planning Board in accordance with Sections 239-l and n of the General Municipal Law; and

WHEREAS, the Westchester County Planning Board concluded in a letter dated June 26, 2018 that the Project is a matter for local determination; and

WHEREAS, a public hearing was opened on August 1, 2018 and closed on December 5, 2018 at which time all persons interested were given an opportunity to be heard; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), and based upon the review of the Environmental Assessment Statement and all of the application materials that have been submitted for this action, the Planning Board issued a Negative Declaration on September 5, 2018 thereby finding that this Proposed Action will have no significant adverse impact; and

WHEREAS; on October 15, 2018 the Town of Ossining Zoning Board of Appeals issued a variance with respect to the front yard setback for the Project.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby adopts and incorporates the recitations and statements set forth above as if set fully resolved and set forth herein; and

BE IT FURTHER RESOLVED, that the Planning Board hereby makes the following findings in accordance with Section 200-50.A of the Zoning Law:

INDIAN BROOK WATER TREATMENT PLANT  
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1. The Planning Board has taken into consideration the public health, safety and welfare, and the comfort and convenience of the public in general and of the immediate neighborhood in particular; and
2. The Planning Board finds that all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility; and not located too near street corners or other places of public assembly; and
3. The Planning Board finds that adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking spaces; and
4. The Planning Board finds that all parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the Site is in character with that generally prevailing in the neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Site Plan Approval to the Project as expressed on the above specified drawings, subject to compliance with the following conditions and modifications and any other requirements which must be met by law:

1. **Prior to the endorsement of the Site Plan by the Planning Board Chairman, the following conditions shall be fulfilled to the satisfaction of the Planning Board:**
  - a. All engineering aspects of the site plan shall be such that they meet the satisfaction of the Planning Board's Engineering Consultant. These aspects shall include but not necessarily be limited to the Applicant's Storm Water Pollution Prevention Plan (SWPPP) which shall conform to the New York State Department of Environmental Conservation's Storm Water Regulations.
  - b. All governmental approvals and permits which may be required for this Project, including from but not necessarily limited to the Village of Ossining, the Town of Ossining, the Westchester County Department of Health, the New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Health, the New York State Department of Transportation, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency shall be obtained, and evidence of such shall be submitted to the Town Building and Planning Department.

When the conditions above have been fulfilled, the Planning Board Chairman will endorse four (4) approved sets of Site Plan Drawings for the Town Building and Planning Department's, Planning Board Engineering Consultant's, Town Planning Consultant's, Property Owner's/Applicant's files, and the endorsement of said site plan drawings by the Planning Board Chairman shall signify that the conditions above have been fulfilled.

2. **The following conditions shall be fulfilled prior to the issuance of the Certificate of Occupancy for the Project:**
  - a. The Applicant shall enter into a stormwater facilities maintenance agreement with the Town of Ossining.
  - b. The Building Inspector shall inform the Planning Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the Site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to landscaping, lighting or other Site details, provided the modifications are materially consistent with the approved site plan and all other approvals/permits granted by the Board, and any other governmental agency, which modifications shall be a condition of said Certificate of Occupancy.
3. **The following are general conditions, which shall be fulfilled as the Project progresses to completion:**
  - a. A duly authorized representative of the Town shall have the right to inspect the Subject Property in order to monitor compliance with the conditions of this approval.
  - b. In accordance with Section 200-51.B of the Zoning Law, the Applicant shall be responsible for the payment of all application review costs incurred by the Planning Board in the review of this matter. Such fees shall be paid by the Applicant within thirty (30) days of the notification by the Planning Board that such fees are due. If such fees are not paid within this thirty (30) day period, and an extension therefor has not been granted by the Planning Board, this Resolution shall automatically be rendered null and void.
  - c. Any future modifications of the Subject Property (above and beyond that approved herein) shall be subject to further Planning Board review and approval.
  - d. In accordance with Section 200-50.C(9) of the Zoning Law, this Site Plan Approval shall expire:

INDIAN BROOK WATER TREATMENT PLANT  
RESOLUTION OF SITE PLAN APPROVAL

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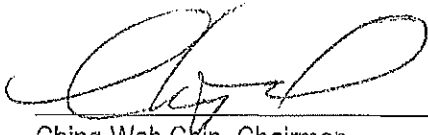
- (1) If all of the conditions required to be fulfilled prior to the signing of the site plan drawings by the Planning Board Chairman are not fulfilled within one (1) year from the date of the adoption of this resolution and if said drawings are not submitted for signing by the Chairman within said one (1) year; or
- (2) If all required improvements are not maintained and if all conditions and standards of this approval are not complied with throughout the duration of the approved use; or
- (3) If a bona fide application for a Building Permit for the proposed use is not made within one (1) year from the date of the signing of the site plan drawings by the Planning Board Chairman; or
- (4) If all required improvements relating to the proposed use are not substantially completed within two (2) years from the date of the signing of the site plan drawings by the Planning Board Chairman.

The Planning Board may, but shall not be obligated to, extend the time frames contained in this resolution of approval if, in its opinion, such extension is warranted by the particular circumstances involved.

- e. All construction on this Project shall conform to best management practices.
- f. Any soil brought into the Site shall be accompanied by a manifest that states that the soil is clean, as defined by the New York State Department of Environmental Conservation and suitable for the intended use.
- g. The Project shall comply with the then current Americans with Disabilities Act and New York State Energy Code, as applicable.

Resolution Adopted: December 5, 2018

12/12/2018  
Date

  
Ching Wah Chin, Chairman  
Town of Ossining Planning Board

cc: Daniel A. Ciarcia, P.E.  
John D. Hamilton  
Katherine Zalantis, Esq.  
David H. Stolman, AICP, PP

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## **APPENDIX 2**

### **2020 Site Plan Extension Resolution**

July 1, 2020

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on July 1, 2020 at 7:30 p.m. by video conference** pursuant to Governor's Executive Order 202.1 dated March 12, 2020. Members of the public were able to view and join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/83136365218>

Meeting ID 831 3636 5218

There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Jim Bossinas, Member  
Gareth Hougham, Member  
Carolyn Stevens, Member  
Donna Sharrett, Member  
Jesus Lopez, Alternate Member

Also Present: Kathy Zalis, Attorney, Silverberg, Zalis LLP  
Valerie Monastera, AICP, Nelson, Pope & Voorhis, LLC  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

**Marricco, 125 Morningside Drive, New Single-Family Residence, Architectural Review PUBLIC HEARING CONTINUED**

John Marricco (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to construct a single-family house at 125 Morningside Drive Section Block and Lot 90.1- 1-11.3 (the "Project Site"). The Project Site is a 45,518 square foot parcel and the Applicant is looking to create a single-family home consisting of 2,130 square feet of livable floor area. A draft resolution was circulated to the Board and the Applicant for review.

Mr. David Arango, Architect, and Mr. Neil Nittolo, Builder, were in attendance. Mr. Arango addressed some concerns from the Board with regard to adding additional screening for a neighbor in the area of the driveway corner and septic area and the addition of a window to the second floor side elevation view from the driveway approach. Mr. Arango noted that they added additional screening as requested at the last meeting. In the septic area they are using plants with smaller root systems. Mr. Arango also addressed the addition of a fourth window on the side elevation that you see when coming up the driveway. He said they spoke with the modular company to add an additional window and mentioned that there is the need to add a structural header for this. The window is not in alignment with the lower level window.

Mr. Ciarcia noted that his previous comments have been addressed. Ms. Monastera reviewed her memo which noted that the applicant addressed the Board's concerns with the additional native plantings and the addition of the window.

Mr. Bossinas discussed the issue of the header and other possible options. Mr. Arango said this concept was doable with the modular company. Ms. Sharrett said she is not satisfied with the placement of the fourth window because it is off center. Ms. Sharrett recommended aligning all four windows on this side of the home to match the other side where the windows are symmetrical. Mr. Arango argued that they did not want a window in the walk-in closet, so they tried to center the windows for furniture placement inside the master bedroom. Ms. Sharrett recommended reversing the floor plan. Mr. Arango said this is not possible, this changes too much with regard to the stairs and connections to the first floor level of the home.

Mr. Bossinas recommended another option of possibly having the windows centered on the ridge. Ms. Sharrett agreed with this. Again, Mr. Arango said this limits the homeowner with regard to the interior of the bedroom and placement of any large furniture. Mr. Arango noted that they need to consider the options for the homeowner and offering different layouts of where they would like to put their bed or other large pieces of furniture. They do not want to be limited because of the window in the center. After some discussion, Mr. Nittolo said a window in the walk-in closet would be fine. It was agreed that they would put the window in the walk-in closet instead of all of the previous options.



**Marricco continued**

This aligns the first floor windows with the second floor. Mr. Arango said okay and asked the Board for an approval with the condition of the window.

Ms. Sharrett discussed the new landscaping plan. Ms. Monastra clarified that the additional planting plan includes three shade bushes, five spice bushes and four Arrowroot. Ms. Sharrett noted that there is a Viburnum Beetle that will take out the Arrowroot in less than two years. Ms. Sharrett asked if there were any evergreens for screening to the neighbor. Mr. Arango said they are using smaller plants because of the septic system and the new home is much higher than the neighbor. The neighbor's home is only one level and the plants are being placed above so it does provide ample screening. Ms. Sharrett recommended a different species of Viburnum but said the other proposed plants are very nice. Mr. Arango said they tried to follow a guide on Westchester County's website. Dr. Hougham recommended planting on the neighbor's property slightly and providing a better screening tree. Ms. Monastra noted that the planting has to be placed on the property in question.

Mr. Arango said they are trying as much as possible to stay away from the septic and stay on their own property lines, they are limited. Dr. Hougham recommended giving the neighbor the option to have trees planted on his property. Mr. Bossinas said he is comfortable with what the applicant is proposing at this time. Mr. Bossinas noted that there is no way to completely screen it to create complete visual separation between the two homes. The applicant has provided some screening which is appropriate. Mr. Bossinas urged that it's more important that the plants being proposed thrive then completely block the neighbor's view. Ms. Monastra said maintaining the plants in good health can be condition of their Resolution of Approval.

Mr. Chin asked the Board if an approval with these two conditions can be considered by the Board at this time. Ms. Stevens concurred. Ms. Sharrett noted that before anything is signed she would like to see a plan with the windows on it. Mr. Arango said he can provide that by Friday. Mr. Arango asked for a firm confirmation that the second floor window is to be placed in the walk-in closet symmetrically placed on that elevation in line with the other windows on the first floor. The Board agreed.

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and it was unanimously agreed by the Board to **adjourn the Marricco, 125 Morningside Drive, Architectural Review Public Hearing and to have a Final Resolution of Approval prepared for review and consideration at the next meeting of the Planning Board July 15, 2020.**

**Fiorito, 39 Old Albany Post Road, New Duplex, Architectural Review PUBLIC HEARING CONTINUED**

Bruce Fiorito (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to construct a two-family house at 39 Old Albany Post Road Section Block and Lot 80.14-1-28 (the "Project Site"). The Project Site is an 11,553 square foot parcel and the Applicant is looking to create a two-family home consisting of two three-bedroom units with 1,335 square feet of livable floor area for each unit. A draft resolution was circulated to the Board and the Applicant for review.

Mr. Fiorito was in attendance a plan was submitted with the addition of the front gardens the walkway and additional plantings as requested at a previous meeting. Ms. Monastra recommended a complete and final set of plans be submitted. Mr. Ciarcia noted the applicant has responded to all of his memo items and comments.

Ms. Sharrett said none of the plants are native. Although, this is an Architectural Review and not a site plan, if the rest of Board is comfortable that this plan is in keeping with the neighborhood then she is in agreement. However, it would be great for the Town to go forward with plantings that respond to an ecological responsibility. Ms. Sharrett also noted that one plant, Festival Burgundy Cordyline, mostly survives winter in states from North Carolina down to Florida not here where it gets very cold. Ms. Sharrett also said that the

house looks really nice. Mr. Fiorito noted that they can plant something different if these don't survive. Ms. Sharrett said it would be nice to have some things from the Town's native list of recommendations.

**Fiorito continued**

Mr. Chin agreed that native plants would probably survive better in this area and asked if any of the proposed plants are invasive. Ms. Sharrett noted that all of the other plants are fine, it was only that particular one that probably won't survive.

Mr. Chin asked the Board and anyone in the audience would have any additional comments or concerns at this time. There were none. Ms. Monastra noted that a final resolution can be prepared for the next meeting and the applicant should have a completed and final set of plans ready as well.

This is not directed at Mr. Fiorito, Mr. Chin announced that there is an issue with submissions coming in at the last minute. Town Consultants and Board members need time to review submissions in advance of the meeting. Going forward, the applicants will have to be a little bit more diligent about getting submissions in on time instead of a day or two before the next meeting date.

Mr. Fiorito said he understands, but his architect is very busy and he only received his plan 4:00 p.m. on Tuesday. Mr. Fiorito said they have tried to accommodate multiple changes that were asked of him by the Board. Mr. Chin asked if there was anyone from the public in attendance to comment on this hearing. There were none.

Ms. Stevens made a motion, seconded by Mr. Bossinas and it was unanimously agreed by the Board to **adjourn the Fiorito, 39 Old Albany Post Road Architectural Review Public Hearing and to have a Final Resolution of Approval prepared for review and consideration at the next meeting of the Planning Board July 15, 2020.**

**Sunrise Solar Solutions, LLC, Club Fit Briarcliff, 584 North State Road, Site Plan Amendment, PUBLIC HEARING**

Sunrise Solar Solutions ("Applicant") located at 510 North State Road in Ossining, New York is seeking amended Site Plan approval to install a Tier One solar array on the roof of the existing fitness club building owned by Briarcliff Racquet and Fitness Club Associates doing business as Club Fit (the "Owner") at 584 North State Road Section Block and Lot 90.15-2-1 (the "Project Site"). The Applicant seeks to install ground mounted solar equipment on the north end of the existing Club fit building, for a proposed Tier 1 rooftop solar installation. The proposal includes the construction of concrete pads for the solar equipment, trenching for utility lines, a chain link fence with privacy slats to match existing fencing on site, earthwork and a retaining wall, and removal of seventeen trees.

Ms. Dawn Mackenzie, Insite Engineering, Mr. Doug Hertz, Sunrise Solar LLC, and Mr. Bill Beck, Property Owner and applicant were in attendance. Ms. Mackenzie told the Board that they met with the Town's Environmental Advisory Committee and gave an introduction to the project. Since that time, the EAC made a site visit and provided a comment letter which was circulated to the Board and the Applicant. Also, Tree Warden, Mr. Craig Stevens, provided an analysis and report. Ms. Mackenzie noted that this submission is in response to those recommendations. Also, the applicants met with Con Edison at the site. The Con Ed transformer is located within the compound. Con Ed preferred to have the transformer relocated outside of the compound shown on the plan. Because of this, they had to modify the landscaping slightly. They relocated one of the Arborvitae and added another planting and maintained all of the planting in the equipment area. Another item is a gravel area already existing which provides access to the equipment area and they are just going to put a fenced in area to the equipment with a lock on it. Another comment received from the Briarcliff Fire Department Chief was to provide a Knox Box at the gate into the equipment area to provide the Fire Department with access.

Ms. Mackenzie reported that they have updated the trees to be removed and to correctly identify some of the tree species and proposed calculations for tree replacement. They are providing for 18 inches of replacement planting between the trees and shrubs provided. There are 17 trees to be removed, 2 of the trees are dead and don't require a permit to be removed and 7 of the trees are on the New York State Invasive Species Tree list. There are 7 remaining trees to be removed and it is the applicant's opinion that they are in poor health and hazardous and should be able to be removed without a permit. They have based

their tree replacement calculation on this number. However, they would like to discuss with the Board and come to a consensus on this.

### **Club Fit Solar continued**

The applicant is under time constraints and would like to move this forward. Ms. Mackenzie asked the Board if they would consider coming to an agreement as to what is required as far as tree replacement. Mr. Hertz thanked Dawn and the Board Members. He said they discussed with the applicant if there were other areas on site where they wish to relocate, should they need to relocate additional trees and the feeling was they do not want to add additional trees at this time. Mr. Hertz asked what the Board is going to require in order to move forward with a resolution tonight.

Ms. Monastra noted that her recent comments revolve around the tree permits and the requirements for that. As the applicant described, there seems to be a discrepancy on the interpretation of what is exempt and not exempt from the tree permit and it is recommended that the Board bring back the Tree Warden and have him identify trees to be removed and having him verify if they meet the requirement of needing a tree permit, or not needing a tree permit. This will alleviate the EAC's concerns and give better direction to the Planning Board. In addition, the law itself requires that they identify the trees and that there needs to be tree replacement based on 50% total aggregate diameter of trees proposed for removal. The applicant is required this replacement per the Town Code.

Mr. Hertz urged that they are under some extreme time constraints at this point and they have a different interpretation. This is costing the applicant time and money and the potential of loss here NYCERTA incentives among other things. Another delay to this project is significantly detrimental to the project and the applicant.

Ms. Mackenzie noted that the code does state that trees on the invasive list can be removed without a permit. That goes for Black Locust, which leaves seven trees. Ms. Zalantis reported that if they cannot replace the trees they have the option of paying into the tree bank fund. First there needs to be an agreement on the amount of the trees being removed. Ms. Stevens asked if the applicant finds this acceptable. Mr. Chin asked the Board if there were any comments or concerns.

Mr. Ciarcia said this plan is acceptable, however, he reiterated his original recommendation to reduce the retaining wall and working in cooperation with the neighbor and reduce grading. If and when construction begins, if they can get cooperation of the neighbor and are able to grade that area off which will be a better situation for the survival of the trees going in. Mr. Ciarcia's recommendation asks to leave the Resolution open with the option as a field change if the opportunity presents itself, rather than coming back to the Board as a site plan amendment. Mr. Chin said personally he does not have any objection to that.

On the issue of the tree fund, Mr. Ciarcia said there can be leeway with regard to if the applicant changes their mind and find that they can replant perhaps they can have some type of flexibility towards that. Mr. Beck said they are willing to do whatever is legal and can help them move forward as quickly as possible. Currently, Club Fit is closed and they would like to continue with the project but financial constraints are making it difficult. They want to do what's best for the Town and for their project.

Mr. Chin asked the applicant if they would be amenable to providing the tree bank funds as a worst case scenario. Mr. Ciarcia recommends an estimated calculation to get a better idea of how much this would be. Ms. Mackenzie noted that it's approximately 74 inches, not including the Black Locusts which are on the invasive species list, and 50% of that would be 37 inches of replacement. According to the plan they are providing 18 inches of new plantings, of the 37 this leaves 19 inches at \$165.00 per inch which would be a total of \$3,135.00 to go to the tree fund. Ms. Monastra recommended the Town's Tree Warden return to the site and see if he is in agreement with this. Ms. Mackenzie reviewed the Tree Warden's previous memo which identifies the Black Locusts.

Mr. Hertz requested the Board to consider that the applicant has endeavored to do a project that has benefits town wide with huge environmental advantages. His business has not been able to generate a single dollar for months and months because it has been closed. Mr. Hertz made an extraordinary request that the Board wave the fee in lieu of tree replacement simply to help the applicant to do a project in everyone's best interest.



### **Club Fit Solar continued**

Ms. Zalantis said the Planning Board cannot make exceptions or negotiations to the tree law. It is a separate code provision and the Planning Board does not have the authority to make considerations on that request. Mr. Hertz said okay, then said they will move forward with the payment.

Ms. Sharrett reiterated her concern that the proposed trees are going to be planted in this berm area which is less than ideal particularly for this type of tree that really likes to be next to a stream. Ms. Sharrett asked the applicant how they propose to water the trees without having any impact on the equipment. Ms. Mackenzie noted that the trees are above the wall and they are six feet away. There's gravel in between the equipment so they are not right up against the equipment. Also, Ms. Sharrett noted that the trees they are proposing are great trees but won't necessarily make up for tree canopy loss of the removed trees. At an earlier meeting, Ms. Sharrett recommended cleaning out and protecting the natural tree area on the opposite side of this in order to maintain and preserve survival of the trees on that side. Mr. Beck said they can take a look at that.

Ms. Stevens noted that if the applicant is in agreement with the tree fund proposal and Mr. Ciarcia's recommendation of flexibility for a field change, she is in favor of approving this. Dr. Hougham said he is in agreement with Ms. Sharrett's comments and also if there were a mechanism in place to use the tree fund for vine removal and preserving natural tree areas he is in favor of letting them use that allocation of money for that purpose. Dr. Hougham said overall this is a terrific project, good for us as a Town and good for the environment and is admirable that the applicant is continuing with this project despite the other financial burdens that they and other businesses are going through. Dr. Hougham agreed that he would like to go forward and get them approval as quickly as possible. Mr. Bossinas said given the area that they are working within, this is as good as we can ever hope and also would like to move forward on this. Mr. Lopez is in agreement with the Board and concurs with Dr. Hougham that this is a great project for the Town and for Club Fit and would like to move it forward as well. Mr. Chin asked if there were any comments from anyone in the audience. There were none. Mr. Chin asked for a motion to adjourn the public hearing and direct staff to prepare a resolution.

Ms. Stevens made a motion, seconded by Dr. Hougham and unanimously passed by the Board **to adjourn the public hearing and direct staff to prepare a Resolution of Approval for Club Fit Solar Project, 584 North State Road, for July 15, 2020.**

### **Miscellaneous**

**MGM Subdivision, 5 Hawkes Avenue Extension of Resolution Request** Mr. Ed Gemmola was in attendance requesting an extension of time for their Resolution of approval. Mr. Gemmola noted they are working on their highway items with NYS DOT and they've ordered a final Survey Plat Plan which is currently being done by Joseph Link, Surveyor.

A motion was made by Mr. Bossinas, seconded by Ms. Stevens and unanimously passed by the Board **to grant a 90-day extension of time to MGM Subdivision, 5 Hawkes Avenue to complete resolution items.**

### **Village of Ossining Water Treatment Plant, 25 Reservoir Road Extension of Resolution Request and DEC Letter Amendment**

Ms. Julie Herzner and Ms. Ruby Wells from Hazen & Sawyer were in attendance. Ms. Herzner noted that the Village has been awarded a grant for the green roof. There are DEC responses that need to be addressed in the letter that was previously submitted from the Town Planning Board. Ms. Monastra reviewed minor corrections to the letter with respect to having from the Village of Ossining to the Town and modified the item regarding having to do with the time of year of the project and Bald Eagle nest would be outside of 660 feet and the Westchester County Department of Health permit that was attached to the letter expired in 2017. It was recommended to have the updated version of permit submitted and ask the DEC to identify the nest location. Ms. Herzner is in agreement with these changes. Mr. Chin asked the Board if there were any questions or concerns from the Board. There were none.

**Village of Ossining Water Treatment Plant continued**

Ms. Herzner also asked for an extension of time on the Resolution of Approval. After some discussion, the Board was in agreement with the applicant that granting two 90-day extensions would be appropriate.

Ms. Stevens made a motion, seconded by Dr. Hougham and unanimously passed by the Board to **grant two 90-day extensions for the Village of Ossining Water Treatment Plant, 25 Reservoir Road, Site Plan Amendment Resolution of Approval, to complete items as discussed.**

**Minutes**

---

A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board **to adopt the minutes of Planning Board Meeting June 17, 2020.**

**Adjournment**

---

A motion was made by Ms. Stevens, seconded by Ms. Sharrett and it was unanimously passed by the Board **to adjourn the meeting to July 15, 2020.**

Time Noted: 9:25 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: August 19, 2020**

## **APPENDIX 3**

### **Site Plan Amendment Application Form**



**Town of Ossining (Westchester County, New York)**  
**Application for Planning Board**

A copy of this form accompanied by a \$250.00 Filing Fee, Escrow Deposit as outlined on the Town fee schedule, 10 Copies and 1 PDF of an accurate intelligible plan of the property. This must be submitted to the Planning Board Secretary on the specified submission date prior to the regularly scheduled meeting (see Calendar).

I, (We) Village of Ossining

Address John-Paul Rodrigues Ossining Operations Center

101 Route 9A, Ossining P.O. Box 1166, New York 10562

Phone Number (914) 941-4660 Email Atiess@villageofossining.org

Request a Planning Board Hearing for:

☐ Preliminary Site Plan Review

☐ Architectural Review

☒ Site Plan Approval (Amendment to 2018 Site Plan Approval)

☐ Conditional Use Permit

☐ Rezoning Application

☐ Subdivision Approval

☐ Filling and Grading Permit

☐ Wetland Approval

Location of Property 25 Reservoir Road / Old Albany Post Road

Section 80.15 Plate      Block 11 Lot(s) 11

Present Zoning R-30

Purpose of Hearing: A new water quality concern at the existing IBWTP prompted the need for an amendment to the previous design of the IBWTP. The amended design includes two new buildings, and a larger main building footprint to accommodate additional treatment processes.

Date: 12/29/2022

  
Signature of Applicant

Note: The applicant is responsible for complying with all rules and regulations with respect to filing of final subdivision plats with the Westchester County Clerk.

**Submission Checklist:**

☒ Application Form & Plans (10) & (1) PDF File

☐ Environmental EAF

☐ Fees, Section 200-51

☐ Property Owner Authorization

## APPENDIX 4

### IBWTP Site Plan Amendment Supporting Documentation

#### 1. Site Plan Amendment Background and Narrative Description

Based on the hydraulic and performance limitations of the existing Indian Brook Water Treatment Plant (IBWTP) and the anticipated increase in system demand over the coming years, the Village of Ossining has decided to design and construct a new, larger facility at the existing treatment plant site. The design of the new IBWTP includes coagulation, flocculation, DAF, intermediate chlorination, dual media filtration, and UV disinfection. The new IBWTP Contract Documents were submitted to Westchester County Department of Health (WCDOH) in December 2018. During the time the new IBWTP was under DOH review, the existing IBWTP experienced an unprecedented taste and odor event related to 2-Methylisoborneol (MIB), which resulted in taste and odor (T&O) customer complaints.

To address this new water quality challenge, the Village requested Hazen to modify the previous design to convert the UV disinfection system at the proposed IBWTP to a UV disinfection / UV Advanced Oxidation Process (AOP) system. Additionally, a powdered activated carbon (PAC) system was added to the proposed design to control milder potential T&O events. A new PAC building was designed next to the existing Low Lift Pump Station (LLPS) to house two PAC skids and three bulk bags.

A UV/hydrogen peroxide ( $H_2O_2$ ) system was selected for the UV AOP design. The UV AOP system was designed to be located north of the clearwell. This location required shifting the two clearwells, backwash tank and associated pumps to the south to accommodate a new UV AOP room to house the UV reactors.

The existing plant design was evaluated to determine the optimum location for the new hydrogen peroxide system. To minimize impacts to the site and final construction costs, while also providing truck access, the new bulk storage tank and transfer pumps will be located in a separate hydrogen peroxide building in the chemical delivery area. The hydrogen peroxide building will house the bulk storage tank, transfer pumps and transfer piping.

Figure 1 depicts the changes between the previously approved site plan and the amended site plan. The full set of amended site plans are shown in **Attachment 1**.

#### 2. Status of Approvals and Permitting

**Table 1** presents an updated summary of IBWTP permits and approvals. Most notably, WCDOH has approved the design (including the amendment), which has allowed the Village to progress with the remaining permitting and approval efforts. No new construction or operational permits/approvals are triggered by the amended design.

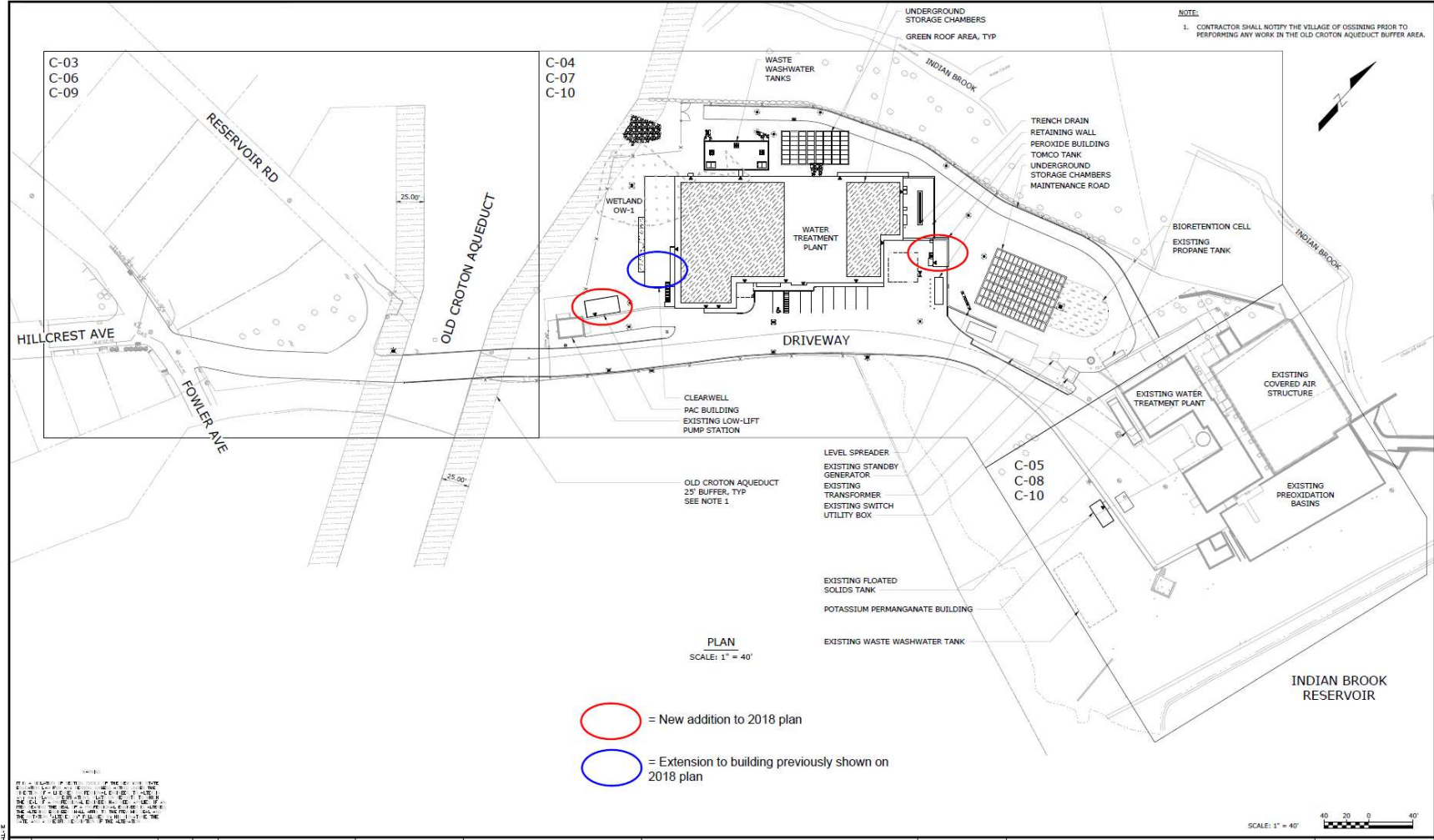


Figure 1 – Overview of Changes to 2018 Site Plan

**Table 1: Overview of IBWTP Permits and Approvals**

| <b>Agency</b>    | <b>Permit/Approval</b>                                     | <b>Permit Type<br/>(Construction<br/>/Operation)</b> | <b>Status</b>   |
|------------------|--|--|---|
| WCDOH            | Approval of Plans  | Construction and Operation                           | WCDOH issued their approval of the original design on 11/22/2021, and a letter of no objection to the amended design on 11/7/2022 ( <b>Attachment 2</b> ).  |
| NYSDOH           | Concurrence with WCDOH                                     | Construction and Operation                           | No signed approval needed; NYS coordinates with WCDOH review (see distribution list of <b>Attachment 2</b> ).   |
| NYSDEC           | Wintering Bald Eagle Disturbance                           | Construction   | Sign-off received on July 28, 2021 that no additional review or permit is needed ( <b>Attachment 3</b> ).   |
|                  | Water Withdrawal Permit                                    | Operation  | No new water withdrawal permit is needed for construction. A call is anticipated to be scheduled for early 2023. During the meeting, the Village will explain that the new IBWTP will operate at the currently permitted capacity of 1 MGD once in operations, and that they will apply for increase in capacity later as needed. |
|                  | Stormwater Pollution Prevention Plan (SWPPP)               | Construction   | The SWPPP will be submitted to NYSDEC in early January 2023.  |
|                  | Pre-construction Notification (PCN)                        | Construction   | The Pre-Construction Notification will be submitted in early January 2023.  |
|                  | NY-2C State Pollution Discharge Elimination System (SPDES) | Operation  | Submitted to NYSDEC on December 15, 2022.   |
| Town of Ossining | SEQRA Negative Declaration                                 | Construction and Operation                           | The Neg Dec was issued on September 5, 2018 and amended on August 21, 2019 ( <b>Attachment 4</b> ). No further amendment to the SEQRA analysis is warranted. See discussion below.  |

| Agency           | Permit/Approval      | Permit Type<br>(Construction<br>/Operation) | Status   |
|------------------|----------------------|---|--|
| Town of Ossining | Wetlands Permit      | Operation                                   | Conceptual wetland mitigation design was shared with Town representatives in November, 2022 ( <b>Attachment 5</b> ). The final wetlands mitigation is currently under preparation. See discussion below. |
|                  | Tree Removal Permit  | Construction                                | The tree removal resolution was adopted on December 5, 2018 ( <b>Attachment 6</b> ). The updated design will not result in additional tree removal.  |
|                  | Architectural Review | Construction                                | The amended design is in accordance with the original architectural design resolution issued by the Architectural Review Board on December 5, 2018 ( <b>Attachment 6</b> ).                              |
|                  | SWPPP                | Construction                                | The SWPPP was submitted for review and signature on December 15, 2022. The signed SWPPP will be submitted to NYSDEC for approval in early January 2023.  |

### 3. Amended Design Consistency with SEQRA Negative Declaration

The Negative Declaration for the Project was issued by the Town Planning Board on September 5, 2018. The Board later issued an Amended Negative Declaration on August 21, 2019 to reflect the Coordinated Review and additional comments received from NYSDEC (**Attachment 4**).

The amended design does not alter or introduce new environmental impacts, as the changes will result in minimal additional disturbance which is confined to study area of the existing Environmental Review. As described in Section 4 below, there are no additional impacts to wetlands, wetland buffers, or other natural resources. Furthermore, the proposed site plan changes do not affect the number of trees removed compared to the 2018 site plan. Therefore, no amendments to the environmental assessment or the Amended Negative Declaration are required.

#### 4. Wetlands Mitigation Plan

The construction of the IBWTP will result in permanent disturbance to approximately 0.14 acres of shallow emergent marsh wetland habitat and 0.93 acres of watercourse buffer associated with the onsite wetland. Additionally, 91 trees have been removed from the site in the area where the IBWTP will be constructed.

Since issuance of the conditional Site Plan approval, the Town and Village agreed that on-site mitigation would be conducted to account for the permanent wetland and wetland buffer impacts. The attached conceptual wetland mitigation plan was provided to the Town's wetland consultant in November 2022 (**Attachment 5**). The Town and Village representatives met on December 1, 2022 to walk the IBWTP site and discuss the mitigation strategy. The Town's representative agreed with the approach, and recommend adding an additional mitigation area on the reservoir's edge which is currently inundated with invasive plants. **Figure 2** reflects the approach agreed upon during the site visit. Once the revisions to the conceptual mitigation plan are finalized, it will be submitted to the Town for administrative approval.



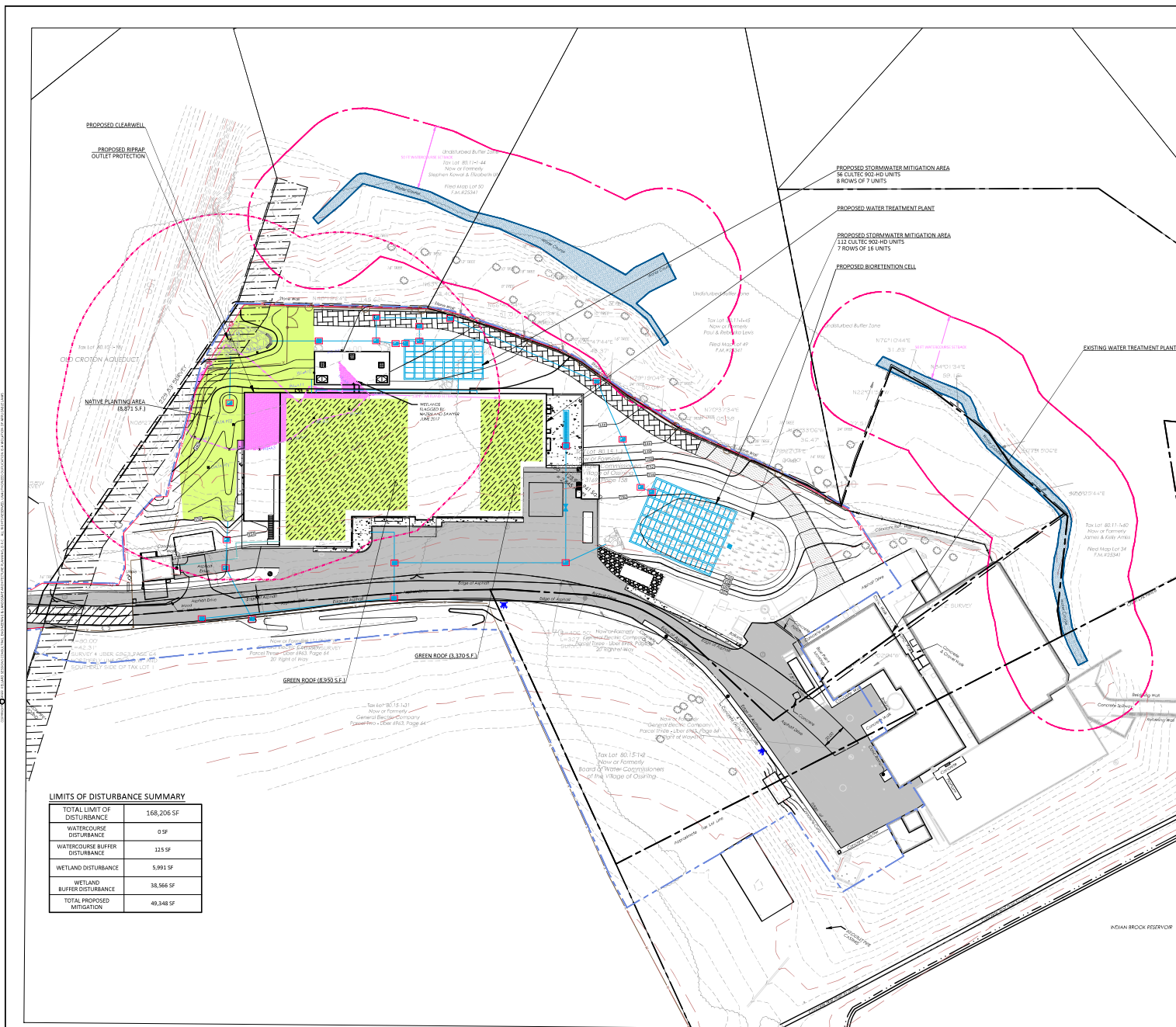
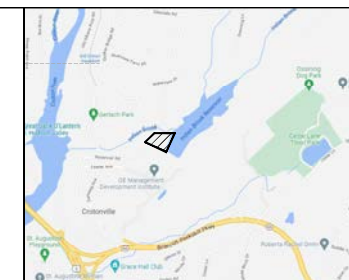


Figure 1 - Draft Conceptual Mitigation Plan (pg. 1 of 2) December 2022



#### LOCATION MAP

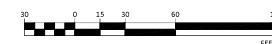
NOT TO SCALE

#### SITE DATA:

OWNER: VILLAGE OF OSSINING  
PROJECT SITE: OSSINING WATER TREATMENT PLANT  
INDIAN BROOK SERVICE ROAD  
OSSINING, NY 10552  
TAX MAP ID NUMBER: SECTION 80.15, BLOCK 1, LOTS 1,2,3  
LOT AREA: ± 29.836 AC (± 1,299,656 SF)

#### LEGEND

- EXISTING 2 FT CONTOUR
- EXISTING 10 FT CONTOUR
- VILLAGE OF OSSINING OWNED PARCEL
- NEIGHBORING PROPERTY LINE
- EXISTING BUILDING
- EXISTING WETLAND
- EXISTING WATERCOURSE
- EXISTING WETLAND/WATERCOURSE SETBACK
- PROPOSED BUILDING
- PROPOSED 2 FT CONTOUR
- PROPOSED 10 FT CONTOUR
- PROPOSED STORM DRAIN
- PROPOSED LIMITS OF DISTURBANCE
- PROPOSED DRAIN INLET
- PROPOSED RIP RAP APRON
- TEMPORARY SILT FENCE



| CONCEPTUAL WETLAND MITIGATION PLAN  |  |
|---|--|
| INDIAN BROOK WATER TREATMENT PLANT  |  |
| TOWN OF OSSINING  | NEW YORK STATE   |
| KELLARD SESSIONS  | CONSULTING ENGINEERING & LANDSCAPE ARCHITECTURE PLANNING, L.L.C.   |
| 350 MAIN STREET<br>JACKSON, N.Y. 10466<br>P: (914) 274-0200<br>F: (914) 274-0209<br>WWW.KELLARDSESSIONS.COM | <div> <div>1</div> <div>2</div> </div> <div> <div>PROJECT I.D.</div> <div>DATE</div> <div>REVISIONS</div> </div> |

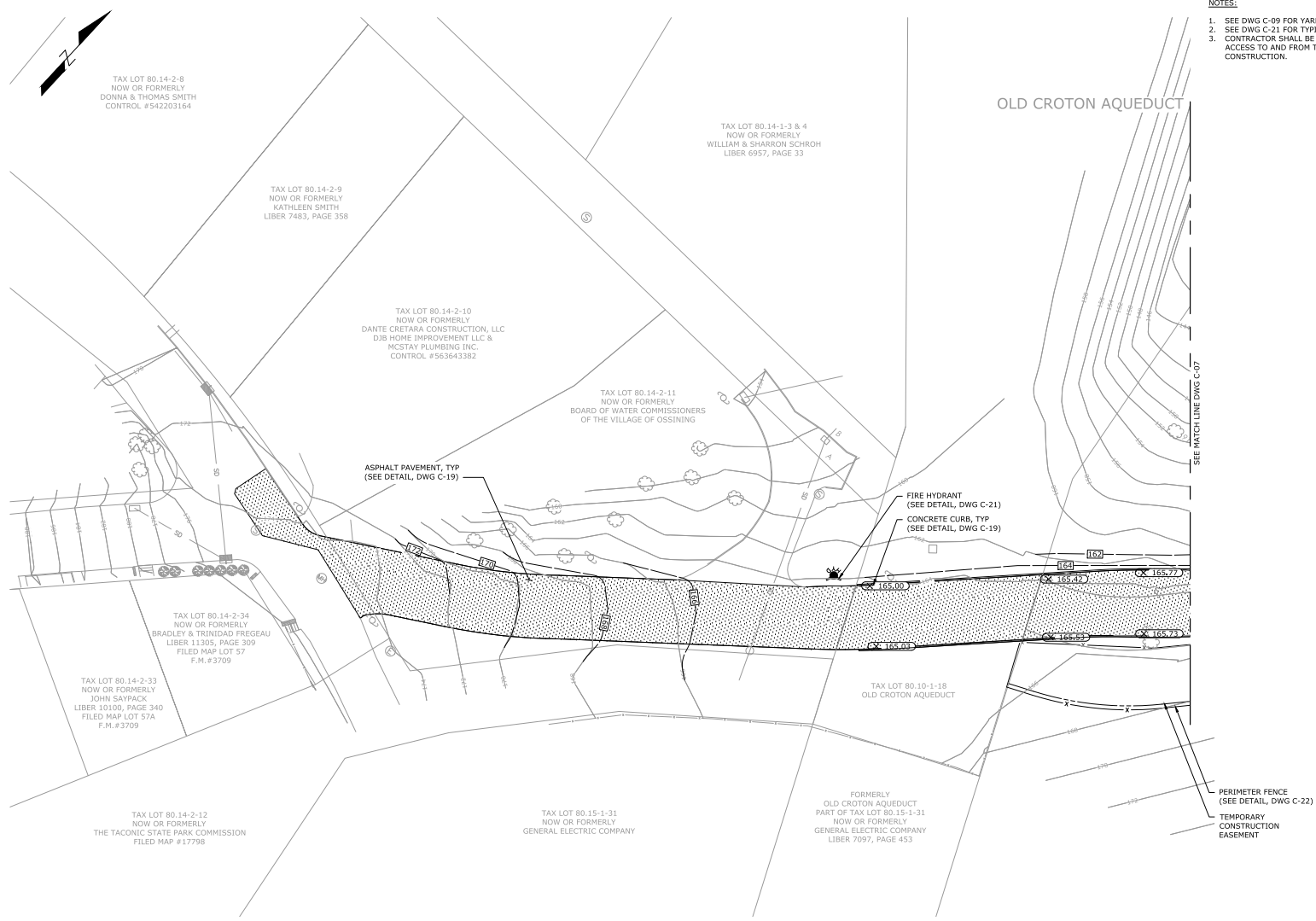


Figure 1 - Draft Conceptual Mitigation Plan (Pg. 2 of 2) December 2022

Attachment 1  
Amended Site Plans





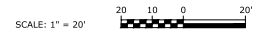


- NOTES:
1. SEE DWG C-09 FOR YARD PIPING.
  2. SEE DWG C-21 FOR TYPICAL ROADWAY CROSS-SECTION.
  3. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO AND FROM THE SITE FOR ENTIRETY OF CONSTRUCTION.

WARNING

IT IS A VIOLATION OF SECTION 2206.2 OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER IN ANY MANNER PLANS, SPECIFICATIONS, PLATS OR REPORTS TO WHICH THE SEAL OF A PROFESSIONAL ENGINEER HAS BEEN APPLIED. AN ITEM BEARING THE SEAL OF A PROFESSIONAL ENGINEER IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE, THE DATE, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

PLAN  
SCALE: 1" = 20'



|     |            |      |    |   |
|-----|------------|------|----|---|
| REV | ISSUED FOR | DATE | BY | PROJECT ENGINEER: J. HERZNER                                      |
|     |            |      |    | DESIGNED BY: L. WALLACE   |
|     |            |      |    | DRAWN BY: L. WALLACE  |
|     |            |      |    | CHECKED BY: D. SHEERAN  |
|     |            |      |    | IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE |

**Hazen**

HAZEN AND SAWYER  
498 SEVENTH AVENUE, 11TH FLOOR  
NEW YORK, NEW YORK 10018

VILLAGE OF OSSINING  
NEW YORK

INDIAN BROOK WATER TREATMENT PLANT



CIVIL

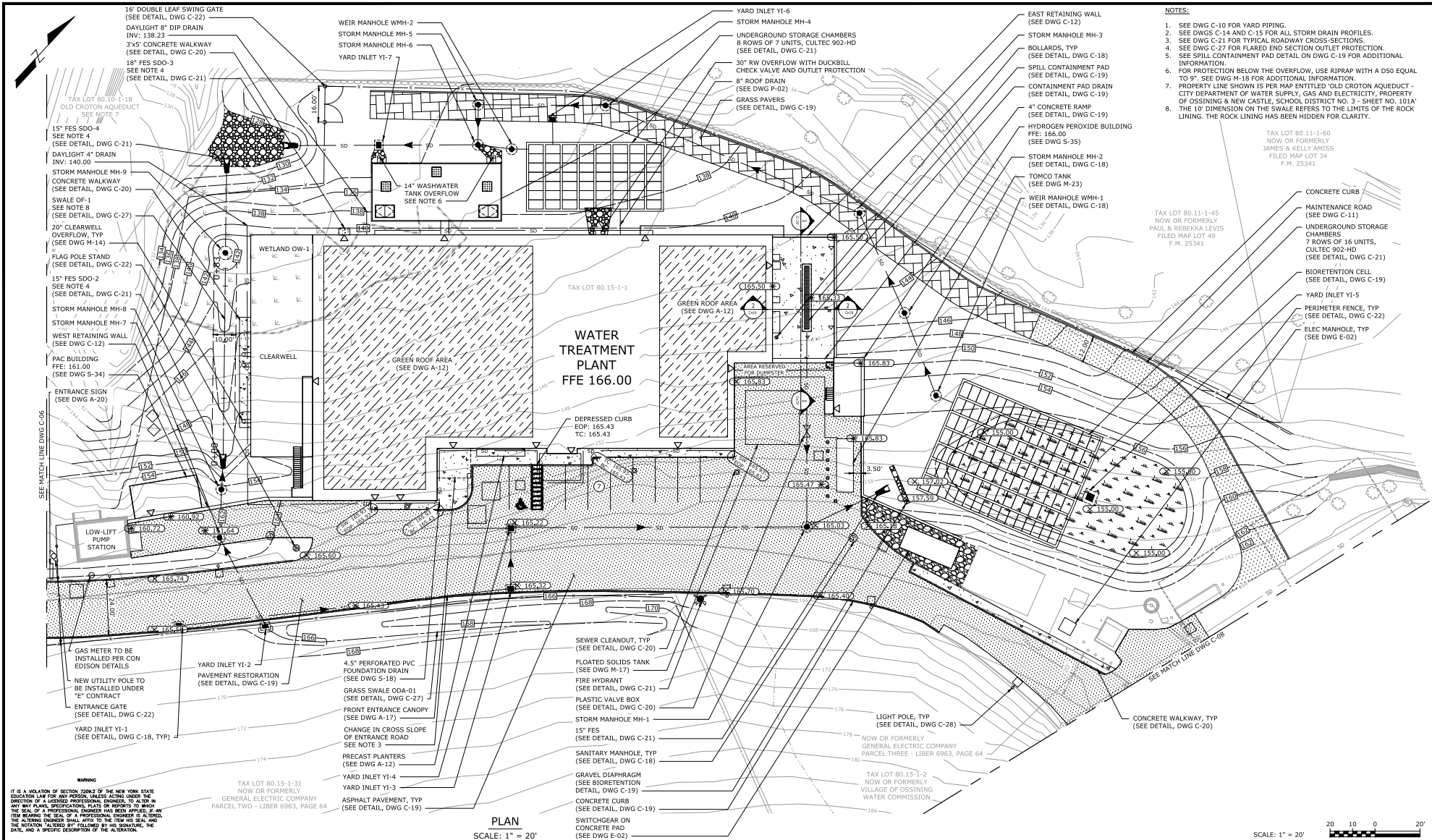
SITE PLAN  
SHEET 1 OF 3

|                 |           |
|-----------------|-----------|
| DATE:           | JULY 2021 |
| HAZEN NO.:      | 90199-000 |
| CONTRACT NO.:   | -         |
| SHEET           | 11 OF 261 |
| DRAWING NUMBER: | C-06      |

FILE: C:\MSW\Hazen-Sawyer\INDIANBROOK\INDIANBROOK-C-06\_SitePlan.dwg  
PLOT DATE: 7/23/2021 3:25 PM  
BY: L. WALLACE

FINAL WCDOH SUBMITTAL

FILE: C:\MSW\INDIAN-BROOK-WATER-TREATMENT-PLANT\INDIAN-BROOK-WATER-TREATMENT-PLANT.dwg  
PLOT DATE: 7/26/2021 3:31 PM BY: WALLACE



PLAN  
SCALE: 1" = 20'

SCALE: 1" = 20'

|     |            |      |    |
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| REV | ISSUED FOR | DATE | BY |
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|   |            |
|---|------------|
| PROJECT ENGINEER:   | J. HERZNER |
| DESIGNED BY:  | L. WALLACE |
| DRAWN BY:   | L. WALLACE |
| CHECKED BY:   | D. SHEERAN |
| IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE | 0 1/2" 1"  |

**Hazen**  
HAZEN AND SAWYER  
498 SEVENTH AVENUE, 11TH FLOOR  
NEW YORK, NEW YORK 10018

VILLAGE OF OSSINING  
NEW YORK  
INDIAN BROOK WATER TREATMENT PLANT



CIVIL  
SITE PLAN  
SHEET 2 OF 3

|                 |           |
|-----------------|-----------|
| DATE:           | JULY 2021 |
| HAZEN NO.:      | 90199-000 |
| CONTRACT NO.:   | -         |
| SHEET           | 12 OF 261 |
| DRAWING NUMBER: | C-07      |

FINAL WCDH SUBMITTAL



Attachment 2  
2021 and 2022 WCDOH Approvals



George Latimer  
County Executive

Sherlita Amler, M.D.  
Commissioner of Health

November 22, 2021

Hazen and Sawyer  
498 Seventh Avenue, 11<sup>th</sup> Floor  
New York, NY 10018  
Attn: Michael V. Broder, P.E.

RE: File I.D. C19-015  
Approval of Plans for  
Village of Ossining Indian Brook  
Water Filtration Plant  
Ossining (V)  
PWS I.D: NY5903451

Dear Mr. Broder:

Enclosed is an Approval of Plans for Public Water Supply Improvement issued this day and approved plans prepared by you consisting of two hundred thirty seven (237) sheets, dated May, 2021 for the above referenced project. This approval is issued pursuant to 10NYCRR Part 5, Subpart 5-1, Section 5-1.22 and Chapter 873, Article VII, Section 873.707.1, of the Laws of Westchester County.

The Approval of Plans for Public Water Supply Improvement and approved plans should be filed in the appropriate office of the applicant. The Applicant is obligated to comply with each of the conditions stipulated in this Approval of Plans for Public Water Supply Improvement.

Supervision of the construction by a licensed and registered professional engineer in the State of New York who will furnish a certificate of construction compliance to the Westchester County Department of Health is a responsibility of the Applicant.

The certificate of construction compliance, including two (2) sets of As-Built plans and results of acceptable bacteriological analyses of water, and satisfactory pressure leakage test (see conditions of approval) must be forwarded promptly to this office after completion of construction. Please note that an Approval of Completed Works, issued by the Westchester County Department of Health, is required before this construction may be put into service.

The contract language and bid specifications have also been reviewed by NYSDOH for compliance with applicable New York Executive Law Article 15-A requirements and found to be acceptable through the inclusion of appropriate Minority and Women's Business Enterprises - Equal Employment Opportunity (MWBE-EEO) language and goals. If you should have any questions or need assistance with the MWBE-EEO program, please contact the NYS Environmental Facilities Corporation.



Page (2)

Attn: Michael V. Broder, P.E.

November 22, 2021

The approved plans call for the construction of a water filtration plant, rated 7 MGD design capacity – to treat raw water from two (2) surface water sources: Croton Reservoir and Indian Brook Reservoir, consisting of three (3) 50 HP Flowserve model 10LR-14B raw water pumps, each rated 2,800 gpm at 56 feet of total dynamic head (TDH), one (1) USGI Chemical Feed model 32-055 Potassium Permanganate ( $\text{KmnO}_4$ ) feeder at low lift pump station, rated 34 lb/day, One (1) USGI Chemical Feed model 32-055  $\text{KmnO}_4$  feeder at the water treatment building, rated 13 lb/day, One (1) Excell model 600PS Polymer Blending Skid, rated 110 gpm at 65 psig, two (2) Grundfos model DDA-60-10-AR/V/C metering pump for  $\text{KmnO}_4$  and Polymer injection system, each rated 0.2-2.2 gph, two (2) Grundfos model DDA 12-10 AR/V/C metering pumps for Poly Aluminum Chloride (PACL) injection system, each rated 1.5-12.2 gph, one (1) 18 ton Tomco2 model 1875CAND Carbon Dioxide Tank and feed system, one (1) Statiflo model Statiflo 600 raw water static mixer, rated 2.4-7.0 MGD, two (2) stage flocculation with eight (8) Lightin model 15Q1 flocculators, each rated 1,800 rpm, four (4) 21'X12' Dissolved Air Flotation (DAF) basins, rated 5.1 gpm/sq.ft, two (2) Atlas Copco model SF 15+ FF air compressors, each rated 48.7 cfm at 145 psig, three (3) Aurora model 411 DAF recycle pumps, each rated 322 gpm at 247 feet TDH, two (2) Blue-White model M-324-NKL metering pumps for pre filter Sodium Hypochlorite Injection system, each rated 1.2-3.7 gph, five (5) 20'X10' Anthracite/Sand Dual Media filtration units, rated 6.5 gpm/sq.ft, two (2) 48 HP Gardner Denver model 6M-DSL Sutorbilt Series air scour blowers, rated 600 scfm at 12 psig, four (4) Flowserve model 4MSX12A filter-to-waste and waste washwater recycle pumps, rated 243 gpm at 47.8 feet TDH, two (2) Flowserve model 3K10x8-16RV M3 filter backwash pumps, each rated 4,200 gpm at 41 feet TDH, two (2) Blue-White model M-324-NKL metering pumps for post filter Sodium Hypochlorite Injection system, each rated 0.9-7.5 gph, two (2) Grundfos model DDA-12-10-AR/E/C metering pumps for Sodium Hydroxide injection system, each rated 2.74-8.5 gph, two (2) Goundfos model DDA-30-4-AR/V/C metering pumps for Phosphoric Acid injection system, each rated 0.4-2.7 gph, two (2) Grundfos model DDA-30-4-AR/V/C metering pumps for Hydrofluosilicic Acid injection system, each rated 0.3-0.9 gph, three (3) Flowserve model 6LR-18SA finish water pumps, each rated 2,800 gpm at 248 feet TDH, two (2) Xylem model Wedeco Spektron 900e Ultra Violet Reactors, each rated 12 mJ/cm<sup>2</sup> at 7 MGD and related appurtenances at Indian Brook Water Treatment Plant, Ossining (V).

Very truly yours,



Delroy Taylor, P.E.  
Assistant Commissioner  
Bureau of Environmental Quality

DT:ZT:ME

Enclosure

cc: Julie Herzner, P.E., Hazen and Sawyer  
Andrew Tiess, Superintendent of Water & Sewer, Ossining (V)  
Paul Fraioli, P.E., Village Engineer, Ossining, (V)  
Brock Rogers, P.E., NYSDOH  
File

**NEW YORK STATE DEPARTMENT OF HEALTH  
APPROVAL OF PLANS  
FOR PUBLIC WATER SUPPLY IMPROVEMENT**

THIS APPROVAL IS ISSUED UNDER THE PROVISIONS OF 10 NYCRR, PART 5, SUBPART 5-1, SECTION 5-1.22 AND CHAPTER 873, ARTICLE VII, SECTION 873.707.1 OF THE WESTCHESTER COUNTY SANITARY CODE

|  |   |                                     |                                   |
|--|---|-------------------------------------|-----------------------------------|
| <b>1. APPLICANT</b><br><br>Village of Ossining   | <b>2. LOCATION OF WORKS</b><br><br>Ossining (V) | <b>3. COUNTY</b><br><br>Westchester | <b>4. WATER DISTRICT</b><br><br>- |
| <b>5. TYPE OF PROJECT:</b><br><div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> 1 Source         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 3 Pumping Units         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 5 Fluoridation         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 7 Distribution         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 2 Transmission         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 4 Chlorination         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 6 Other Treatment - U.V.         </div> <div style="width: 50%;"> <input type="checkbox"/> 8 Storage         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 9 Other - Manganese Removal         </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> 10 Other Treatment – Corrosion Control         </div> </div> <p>REMARKS: The approved plans call for the construction of a water filtration plant, <u>rated 7 MGD design capacity</u> – to treat raw water from two (2) surface water sources: Croton Reservoir and Indian Brook Reservoir, consisting of three (3) 50 HP Flowserve model 10LR-14B raw water pumps, each rated 2,800 gpm at 56 feet of total dynamic head (TDH), one (1) USGI Chemical Feed model 32-055 Potassium Permanganate (KmnO<sub>4</sub>) feeder at low lift pump station, rated 34 lb/day, One (1) USGI Chemical Feed model 32-055 KmnO<sub>4</sub> feeder at the water treatment building, rated 13 lb/day, One (1) Excell model 600PS Polymer Blending Skid, rated 110 gpm at 65 psig, two (2) Grundfos model DDA-60-10-AR/V/C metering pump for KmnO<sub>4</sub> and Polymer injection system, each rated 0.2-2.2 gph, two (2) Grundfos model DDA 12-10 AR/V/C metering pumps for Poly Aluminum Chloride (PACL) injection system, each rated 1.5-12.2 gph, one (1) 18 ton Tomco2 model 1875CAND Carbon Dioxide Tank and feed system, one (1) Statiflo model Statiflo 600 raw water static mixer, rated 2.4-7.0 MGD, two (2) stage flocculation with eight (8) Lightin model 15Q1 flocculators, each rated 1,800 rpm, four (4) 21'X12' Dissolved Air Flotation (DAF) basins, rated 5.1 gpm/sq.ft, two (2) Atlas Copco model SF 15+ FF air compressors, each rated 48.7 cfm at 145 psig, three (3) Aurora model 411 DAF recycle pumps, each rated 322 gpm at 247 feet TDH, two (2) Blue-White model M-324-NKL metering pumps for pre filter Sodium Hypochlorite Injection system, each rated 1.2-3.7 gph, five (5) 20'X10' Anthracite/Sand Dual Media filtration units, rated 6.5 gpm/sq.ft, two (2) 48 HP Gardner Denver model 6M-DSL Sutorbilt Series air scour blowers, rated 600 scfm at 12 psig, four (4) Flowserve model 4MSX12A filter-to-waste and waste washwater recycle pumps, rated 243 gpm at 47.8 feet TDH, two (2) Flowserve model 3K10x8-16RV M3 filter backwash pumps, each rated 4,200 gpm at 41 feet TDH, two (2) Blue-White model M-324-NKL metering pumps for post filter Sodium Hypochlorite Injection system, each rated 0.9-7.5 gph, two (2) Grundfos model DDA-12-10-AR/E/C metering pumps for Sodium Hydroxide injection system, each rated 2.74-8.5 gph, two (2) Goundfos model DDA-30-4-AR/V/C metering pumps for Phosphoric Acid injection system, each rated 0.4-2.7 gph, two (2) Grundfos model DDA-30-4-AR/V/C metering pumps for Hydrofluosilicic Acid injection system, each rated 0.3-0.9 gph, three (3) Flowserve model 6LR-18SA finish water pumps, each rated 2,800 gpm at 248 feet TDH, two (2) Xylem model Wedeco Spektron 900e Ultra Violet Reactors, each rated 12 mJ/cm<sup>2</sup> at 7 MGD and related appurtenances at Indian Brook Water Treatment Plant, Ossining (V).</p> |   |                                     |                                   |

By initiating improvement of the approved supply, the applicant accepts and agrees to abide by and conform with the following:

- a. **THAT** the proposed work be constructed in complete conformity with the plans and specifications approved this day or approved amendments thereto.
- b. **THAT** the proposed works not be placed into operation until such time as a Completed Works Approval is issued in accordance with Part 5 of the New York State Sanitary Code and Article VII, of the Westchester County Sanitary Code.

- c. **THAT** the proposed water distribution lines be disinfected in accordance with the AWWA Standard C651-05 except for Section 4.4.2, for disinfecting water mains.
- d. **THAT** two acceptable results of bacteriological analyses of samples of water collected from the new distribution system main after disinfection and before use of the mains at 24 hour intervals shall be submitted to the Westchester County Department of Health in accordance with Section 5.1 of the AWWA Standard C651-05.
- e. **THAT** supervision of construction be by a licensed and registered professional engineer in the State of New York who shall furnish a certificate of construction compliance and two (2) sets of As-Built plans after completion of construction.
- f. **THAT** the Department must be notified 48 hours prior to the Pressure Test in order for a representative to verify such test.
- g. **THAT** this approval is valid for one (1) year.
- h. **THAT** any temporary water mains installed during construction of the above mentioned water supply improvements shall not be placed into service until the temporary piping installed is disinfected in accordance with AWWA Standard C651-05 except Section 4.4.2, and until acceptable bacteriological test results are accepted by this Department.
- i. **THAT** a request for an extension of the expiration date of this permit must be received by this Department before the permit's expiration date. Request received after the permit has expired will not be considered.

**WIIA GRANT CONDITIONS:**

- j. **THAT** the MWBE utilization plan or waiver request with documentation of good faith efforts shall be submitted to NYS Environmental Facilities Corporation (EFC) for review within 10 days of notice of award of the contract or execution of an amendment.
- k. **THAT** participation in the NYS Environmental Facilities Corporation (EFC) MWBE program shall be done in accordance with all applicable MWBE/DBE Requirements.
- l. **THAT** the water system owner or their consulting engineer shall notify EFC's MWBE staff at least two weeks in advance of the date(s) of any preconstruction meetings when scheduled.
- m. **THAT** the water system owner or its consulting engineer shall notify NYSDOH when construction begins and when construction is complete.
- n. **THAT** Water Infrastructure Improvement Act (WIIA) grants disbursements on contracts will not be released by the EFC until the all the following documents have been received and accepted by the NYS Department of Health:
- Advertisement for Bid, including proof of publication
  - Bid Tabulation including Contract ID, date, list of bidders and amount of bid
  - Notice of Award Letter
  - Notice to Proceed Letter including contract commencement date
  - Conformed specifications including:
    - All addenda stamped by a NYS licensed P.E.
    - Executed contract
    - Signed EEO Policy Statement

ISSUED FOR THE STATE COMMISSIONER OF HEALTH

November 22, 2021

DATE



P.E.

DESIGNATED REPRESENTATIVE  
Delroy Taylor, P.E.  
Assistant Commissioner  
Bureau of Environmental Quality



## GENERAL

|  |                                       |  |   |
|--|---------------------------------------|--|---|
| <b>6. Type of Ownership: Westchester County</b><br><input checked="" type="checkbox"/> Municipal <input type="checkbox"/> Commercial <input type="checkbox"/> 68 Private Other <input type="checkbox"/> 1 Authority <input type="checkbox"/> 30 Interstate<br><input type="checkbox"/> Industrial Corp. <input type="checkbox"/> Water Works <input type="checkbox"/> Private Institutional <input type="checkbox"/> 9 Federal <input type="checkbox"/> 40 International Corp.<br><input type="checkbox"/> 26 Board of Education <input type="checkbox"/> 20 State <input type="checkbox"/> 18 Indian Reservation                          |                                       |  |   |
| <b>7. Estimated Total Cost</b><br>\$38,000,000.00  | <b>8. Population Served</b><br>32,000 | <b>9. Drainage Basin</b><br>Hudson   |   |
| <b>10. Federal Aid Involved?</b><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  |                                       | <b>11. WSA Project?</b><br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO           |   |
| <b>SOURCE</b>  |                                       |  |   |
| <b>12.</b><br>SURFACE      Name _____ Class _____<br>GROUND      Name _____ Class _____  |                                       | <b>13. Estimated Source</b><br>Development Cost  |   |
| <b>14. Safe Yield:</b><br>GPD  | <b>15. Description</b>                |  |   |
| <b>TREATMENT</b>   |                                       |  |   |
| <b>16. Type of Treatment</b><br><input type="checkbox"/> 1 Alteration <input checked="" type="checkbox"/> 5 Clarifiers <input checked="" type="checkbox"/> 9 Fluoridation<br><input type="checkbox"/> 2 Microstrainers <input checked="" type="checkbox"/> 6 Filtration <input type="checkbox"/> 10 Softening<br><input checked="" type="checkbox"/> 3 Mixing <input checked="" type="checkbox"/> 7 Manganese Removal <input checked="" type="checkbox"/> 11 Corrosion Control<br><input checked="" type="checkbox"/> 4 Sedimentation <input checked="" type="checkbox"/> 8 Chlorination <input checked="" type="checkbox"/> 12 Other U.V. |                                       |  |   |
| <b>17. Name of Treatment Works</b><br>Indian Brook Water Treatment Plant   | <b>18. Max. Treat. Cap.</b><br>7 MGD  | <b>19. Grade of Plant Operator Req.</b><br>I-A   | <b>20. Est. Cost</b><br>\$38,000,000.00 |
| <b>21. Description:</b><br>See Item #5   |                                       |  |   |
| <b>DISTRIBUTION</b>  |                                       |  |   |
| <b>22. Type of Project</b><br><input type="checkbox"/> 1 Cross Connection <input type="checkbox"/> 3 Transmission<br><input type="checkbox"/> 2 Interconnection <input type="checkbox"/> 4 Fire Pump Chl.  |                                       | <b>23. Type of Storage</b><br>Elevated ____ gal.<br>Underground ____ gal.                                | <b>24. Est. Cost Distribution</b><br>\$ |
| <b>25. Anticipated Distribution</b><br>System Demand: Avg. <u>2.89</u> MGD    Max. <u>4.56</u> MGD   |                                       | <b>26. Designed For Fire Flow</b><br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |   |
| <b>27. Description:</b><br>See Item #5   |                                       |  |   |



George Latimer  
County Executive

Sherlita Amler, M.D.  
Commissioner of Health

November 7, 2022

Hazen and Sawyer  
498 Seventh Avenue, 11<sup>th</sup> Floor  
New York, NY 10018  
Attn: Michael V. Broder, P.E.

RE: File ID: C19-015  
Modification to the Approval of Plans  
Village of Ossining Indian Brook  
Water Filtration Plant  
Ossining (V)  
PWS I.D: NY5903451

Dear Mr. Broder:

The receipt of your amended engineer's report and the revised plans dated November 2022, requesting to add Powder Activated Carbon System and Advance Oxidation Process (UVAOP System), and to replace the approved ultra violet disinfection units from the original Approval of Plans issued by this Department on November 22, 2021 under the above referenced file identification number C19-015, is hereby acknowledged.


This Department has no objection to the installation of two (2) Cabot model PORTA-PAC powder activated carbon systems, rated 7 MGD, and four (4) Trojan model Trojan Swiftec 16L30 UV reactors and USP Technologies model 2P1D system hydrogen Peroxide Injection Skid for UVAOP system, each rated 7 MGD at new Indian Brook Water Filtration Plant.

Please be advised that if De Nora Water Technologies Sentinel UV reactors are selected, the unredacted UV validation report for these reactors must be submitted to both New York State Health Department and the Westchester County Health Department for review and approval. Please also be reminded that piping configurations prior to and after the UV reactor must conform with the latest edition of Recommended Standards for Water Works or the manufacturer's recommendations, whichever is more conservative. If the piping configuration as shown on the approved plans changes due to the selection of the Sentinel UV reactors or for some other reasons, such changes must receive prior approval from the Department.

***You are reminded that all conditions of the original approval dated November 22, 2021 apply.***

Should you have any question or require additional information, please contact Zaw Thein, P.E., at (914) 864-7348 or the undersigned at (914) 864-7296.

Very truly yours,



Delroy Taylor, P.E.  
Assistant Commissioner  
Bureau of Environmental Quality

DT:ZT

cc: Paul Fraioli, P.E., Village Engineer, Ossining, (V)  
Andrew Tiess, Superintendent of Water & Sewer, Ossining (V)  
Brock Rogers, P.E., NYSDOH  
File

Attachment 3  
NYSDEC Wildlife Sign-Off

**From:** [Booth-Binczik, Susan D \(DEC\)](#)  
**To:** [Wells, Ruby](#)  
**Cc:** [Herzner, Julie A.](#)  
**Subject:** RE: Indian Brook Water Treatment Plant, 25 Reservoir Road  
**Date:** Wednesday, July 28, 2021 4:04:54 PM  
**Attachments:** [image003.png](#)  
[image001.png](#)  
[image002.jpg](#)

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Hi Ruby,

I apologize for the delayed response. Thank you for the additional detailed information. Based on the distance from the project site to the eagle wintering area and the noise levels expected to be produced by the project, no adverse impacts on bald eagles are likely. No additional wildlife review is needed unless project plans change.

Let me know if you have any questions.

Sincerely,

Sue

**Sue Booth-Binczik**

Wildlife Biologist, Region 3

**New York State Department of Environmental Conservation**

21 South Putt Corners Road, New Paltz, NY 12561

[susan.booth-binczik@dec.ny.gov](mailto:susan.booth-binczik@dec.ny.gov)



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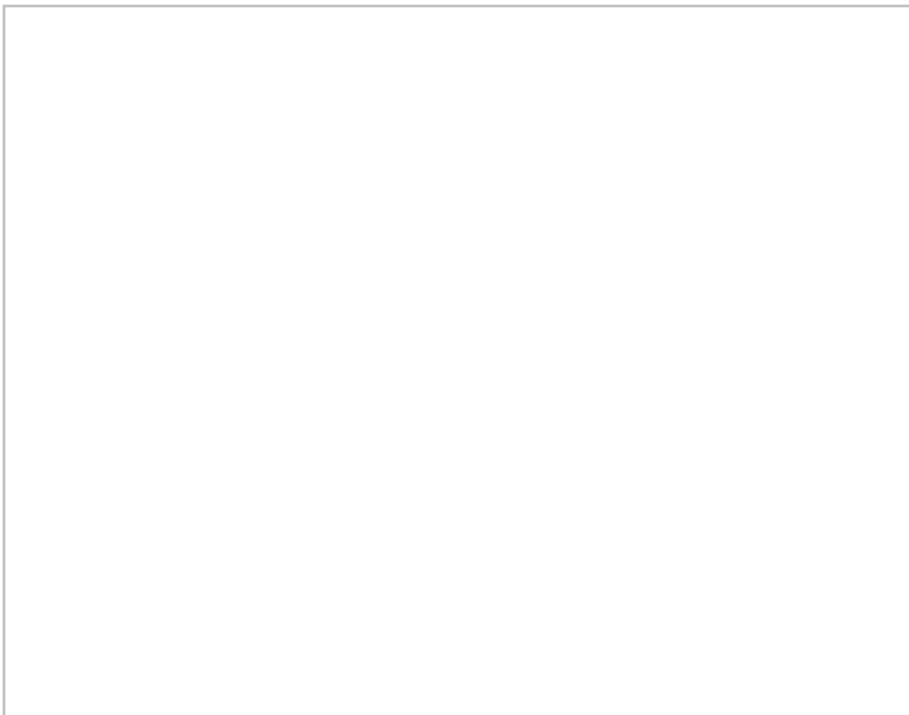
**From:** Wells, Ruby <RWells@hazenandsawyer.com>  
**Sent:** Friday, July 9, 2021 11:31 AM  
**To:** Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>  
**Cc:** Herzner, Julie A. <JHerzner@hazenandsawyer.com>  
**Subject:** RE: Indian Brook Water Treatment Plant, 25 Reservoir Road

**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Hi Sue –

We are reaching out again about the Village of Ossining Indian Brook Water Treatment Plant project. Thank you for your recent email clarifying the type of information required to determine whether the project has the potential to disturb Bald Eagle wintering habitat. As we understand, this area is located approximately 0.4 miles to the southwest of the project site. Based on the information in your email, we were able to take a closer look at the NYS guidelines on work near Bald Eagle wintering habitat. From our review, it appears that the area along the Hudson River is the habitat area of concern (area No. 3 in the figure below).





We also understand additional information on the types of construction activities and anticipated noise levels will help to identify whether an Incidental Taking Permit is necessary. According to the guidelines, loud, intermittent noises can adversely affect any Bald Eagle within a wintering habitat. The guidance indicates that potential disturbance to wintering area is determined on a case-by-case basis depending on activities at the site, topography, etc., since a lack of human disturbance is a key component of breeding and wintering areas. From the tables in the guidance, it appears the Indian Brook Water Treatment Plant would fall into the category of projects within a half-mile of the wintering area with a visual buffer between the site and wintering area. For these locations, blasting, fireworks, and other loud noises are not allowed during the wintering period (December 1<sup>st</sup> to March 31<sup>st</sup>). Note that these types of noises are will not occur during construction of the project. Indian Brook Water Treatment Plant (IBWTP) construction will take place at the site over the course of approximately 3 years. The first year of the work will include the bulk of the associated outdoor grading and construction of the new treatment building. During the second and third years, the work will largely be contained within the water treatment plant building to complete treatment process equipment, offices, and other interior elements. It is not anticipated that work contained within the interior of the building would have the potential to disturb Bald Eagle wintering habitat. During the first year of construction, during site grading and while the new water treatment building is being erected, there will be construction equipment used onsite that may be audible offsite in the vicinity of the project. However, at no time will this work include or require blasting, pile driving, rock hammering, demolition activities or other equipment or construction methods that have the potential to generate large and intermittent noise levels equivalent to explosions or fireworks. The loudest intermittent noises would come from truck deliveries to the site, similar to the trucks currently servicing the existing water treatment plant, for chemical deliveries, residuals hauling, and trash disposal. The new IBWTP is being constructed immediately adjacent to the existing IBWTP. At this time, a quantitative construction noise assessment has not been completed for the new IBWTP. However, Hazen and Sawyer (the engineering firm for the project) recently completed a noise assessment for another, recent project in Westchester County (prior to the start of the Covid-

19 pandemic related shutdowns). For that assessment, located on a relatively quiet parcel of land surrounding the City of White Plains reservoirs, existing ambient noise was measured, and construction noise was calculated at nearby residential receptors to determine whether construction would have the potential to increase sound to a nuisance level above NYSDEC's SEQRA threshold for significant sound pressure level (an increase of 6 dBA or more at residential receptors). The measurements for this other project were collected within the Westchester County Study Area per NYSDEC guidelines for Assessing and Mitigating Noise Impacts (2001). While no noise level threshold is indicated in the guidance for potential impacts to Bald Eagle wintering habitat, this SEQRA threshold may be an appropriate proxy, when taken together with other factors. Therefore, a summary of the findings of the noise study of the other project within Westchester County is provided below.

The other Westchester County project included rock crushing, grading, tree clearing and construction of structures. Therefore, the noise analysis for that project assumed the simultaneous use of up to 4 haul trucks, a rock crusher, a screen, and a loader. (At the Indian Brook Water Treatment Plant, the only equipment of this type will be a haul trucks and a loader). Ambient sound was measured, and construction sound was calculated at receptors between 600 and 2,000 feet from the project site. Some of the receptors were separated by a single two-lane roadway while others were separated only by forested area and gently sloping land. Even with this heavy equipment, and the ambient noise of a residential neighborhood, the highest increase in sound was determined to be 2.2 dBA. This increase occurred at the receptor with the closest line of sight to the project area, approximately 0.25 miles from the construction activity and separated only by wooded areas.

Since the wintering habitat corridor is located in a more populous area and near Route 9 (the Croton Expressway) and the Metro-North railroad lines, it is anticipated that its ambient background noise is equivalent or higher than what exists at the Westchester County Study Area described above. In addition, heavy equipment such as rock crushers and screens would not be required to construct the Indian Brook Water Treatment Plant, so the increase in construction-related noise levels would not be as high as was calculated for the other Westchester County project. Given the IBTWP construction activities would use similar equipment to what is currently used on site to service and run the existing Indian Brook Water Treatment Plant and given the absence of loud and intermittent construction activities that may startle or disturb wintering Bald Eagles, we do not believe the project would generate large differences in noise levels between the ambient and construction conditions, including in the vicinity of the wintering habitat. Separately, and as stated in the Environmental Assessment, should any nest be identified within the 660- or 330-ft of the project site, all construction activities would cease until appropriate measures are in place to protect the nest and any Bald Eagle using the nest.

We would like to request a call to discuss this information further and whether it is sufficiently detailed to allow NYSDEC to make a determination on the potential for temporary construction noise to affect wintering habitat for the Bald Eagle.

Thank you for your time and consideration of this matter,

Ruby

**Ruby Wells**

**Associate | Hazen and Sawyer**

498 Seventh Avenue, 11<sup>th</sup> Floor, New York, NY 10018

718 772-1615 (cell) | 212-539-7000 (main)

[rwells@hazenandsawyer.com](mailto:rwells@hazenandsawyer.com) | [hazenandsawyer.com](http://hazenandsawyer.com)

**Ruby Wells****Associate | Hazen and Sawyer**

498 Seventh Avenue, 11<sup>th</sup> Floor, New York, NY 10018

718 772-1615 (cell) | 212 539-7000 (main)

[rwells@hazenandsawyer.com](mailto:rwells@hazenandsawyer.com) | [hazenandsawyer.com](http://hazenandsawyer.com)

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**From:** Booth-Binczik, Susan D (DEC) <[Susan.Booth-Binczik@dec.ny.gov](mailto:Susan.Booth-Binczik@dec.ny.gov)>

**Sent:** Thursday, May 20, 2021 10:17 AM

**To:** Wells, Ruby <[RWells@hazenandsawyer.com](mailto:RWells@hazenandsawyer.com)>

**Cc:** Herzner, Julie A. <[JHerzner@hazenandsawyer.com](mailto:JHerzner@hazenandsawyer.com)>

**Subject:** RE: Indian Brook Water Treatment Plant, 25 Reservoir Road

Hi Ruby,

Thank you for the information. I looked up the project site in our GIS database, and as previously mentioned, there is a bald eagle wintering area approximately .4 miles southwest of the project location, so the potential for impacts to wintering bald eagles needs to be assessed in accordance with the guidelines in the attached documents.

In order to assess the potential for impacts, what we need is information on the loudest noise levels expected to be produced by the project during the bald eagle wintering season, which is December 1 – March 31. The noise levels from the project that would result in the eagle use area should then be calculated and compared to ambient noise levels in that area to determine whether the project would result in a significant increase in the noise the eagles are experiencing.

Let me know if you have any questions.

Sincerely,

Sue

**Sue Booth-Binczik**

Wildlife Biologist, Region 3

**New York State Department of Environmental Conservation**

21 South Putt Corners Road, New Paltz, NY 12561

[susan.booth-binczik@dec.ny.gov](mailto:susan.booth-binczik@dec.ny.gov)



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**From:** Wells, Ruby <[RWells@hazenandsawyer.com](mailto:RWells@hazenandsawyer.com)>

**Sent:** Tuesday, May 4, 2021 7:58 PM

**To:** Booth-Binczik, Susan D (DEC) <[Susan.Booth-Binczik@dec.ny.gov](mailto:Susan.Booth-Binczik@dec.ny.gov)>

**Cc:** Herzner, Julie A. <[JHerzner@hazenandsawyer.com](mailto:JHerzner@hazenandsawyer.com)>

**Subject:** RE: Indian Brook Water Treatment Plant, 25 Reservoir Road

**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Good evening Susan –

Thank you for your response. I am happy to provide you some background information on the project and our correspondence with NYSDEC to date.

Below my signature is project summary and a description of the site.

Attached is a copy of the response letter to NYSDEC dated July 15, 2020, along with the relevant enclosure (NYSDEC email correspondence dated 9/6/2018). Following our response, NYSDEC issued a follow-up email in March 2021 indicating the following (emphasis added):

> Article 11, Title 5, Endangered and Threatened Species

>

> The letter referred to no impacts occurring because the plant construction will be within the

Attachment 4  
SEQRA Negative Declaration

----- X  
APPLICATION OF  
VILLAGE OF OSSINING

WATER TREATMENT PLANT  
25 Reservoir Road  
----- X

CERTIFICATION OF  
RECORDS

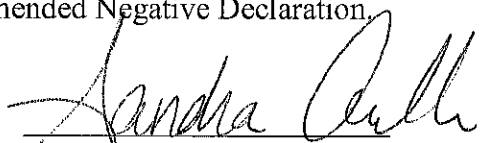
STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF WESTCHESTER         )

SANDRA ANELLI, being duly sworn deposes and says:


1. I am the Secretary of the Town of Ossining Planning Board, the duly authorized custodian of the annexed records and have authority to make this certification.

2. The following attached records are, true and accurate versions of the following documents:

(a) Draft of August 21, 2019 Meeting Minutes during which the Planning Board passed an oral resolution to adopt the attached Amended Negative Declaration.

  
SANDRA ANELLI

Sworn to before this  
10<sup>th</sup> day of September, 2019

  
Notary Public

MARGARET CONN  
Notary Public - State of New York  
No. 01CO6389818  
Qualified in Westchester County  
My Commission Expires April 8, 2023



August 21, 2019

DRAFT

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 21st day of August 2019. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Carolyn Stevens, Member

Also Present:

Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
David Stolman, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

**Rinaldi Subdivision, 39 Stormytown Road, 10-Lot Subdivision PUBLIC HEARING CONTINUED**

Mr. JB Hernandez, Architect, was in attendance. Mr. Hernandez reviewed certain items that were discussed at the last meeting of the Planning Board. They are going to revise the site distance plan and the cul-de-sac shown with retaining walls. Mr. Stolman suggested they show proposed street trees on the plan in the appropriate location. Mr. Hernandez agreed. There are only some minor changes at this time. Mr. Ciarcia noted that since this a Preliminary Subdivision review, some of his earlier comments can be applied when this is in the Final Subdivision review stages. Mr. Chin asked if anyone from the Public or the Board would like to comment on this matter. There were none.

Mr. Stolman reviewed with the Board that since this is a major subdivision based upon the number of lots and other reasons, it's a two phase process; preliminary plat approval and final plat approval, when everything is really fine tuned. At this time, the applicant is ready for a resolution of preliminary plat approval. The Board agreed and directed staff to prepare a draft resolution of preliminary plat approval for the next meeting. The public hearing was adjourned to September 18, 2019.

**MGM Design & Construction Group, LLC Subdivision, 5 Hawkes Avenue, 2 Lot Subdivision**

Mr. Edward Gemmola, Architect, Gemmola & Associates and Mr. Thomas Kerrigan, Engineer from Site Design Consultants were in attendance. Mr. Kerrigan discussed memo items and comments from the public at the last Planning Board meeting of July 17th. He said that there are two main items left in the memo for them to address. They are willing to plant trees and create a substantial buffer in the area where a resident requested a fence. Also, another resident at the last meeting, asked that the proposed driveway not be placed across from his driveway at 4 Hawkes Avenue. Mr. Stolman noted that driveways in this type of situation need to be directly opposite each other or very far apart. The staggered configuration could cause a car accident when both people are turning left out of their driveways. Because Hawkes Avenue is a State Road, this will require review by New York State Department of Transportation (NYSDOT). Mr. Kerrigan said DOT requires driveways be directly across from each other, not staggered.

Mr. Ciarcia submitted a memo dated August 21, 2019 with the following comments: They will need to provide a plat for review. Provide details of the sewage pump systems and overflow chambers. Provide a revised Stormwater Pollution Prevention Plan (SWPPP) for review and provide information on the sizing of the 36" HDPE pipe. Mr. Kerrigan said there are some other minor items they need to address and they will be preparing a plat addressing these items.

Dr. Hougham asked Mr. Kerrigan if they would consider opening up the pipe for an open channel. Mr. Kerrigan said opening a channel would require more digging and/or tree removal. Dr. Hougham asked what the open swale would be designed with. Mr. Kerrigan said some natural grass and rip rap. Mr. Kerrigan said they look into making it all a natural swale. Mr. Kerrigan noted they will be providing a conservation easement for this area of the wetlands. Dr. Hougham said it should be a conservation easement in perpetuity not only a five year plan.

This was not a public hearing, however, Mr. Chin asked if there were any comments from the Public or the Board. Mr. Stolman recommended they submit their next plan addressing comments of both Mr. Stolman's and Mr. Ciarcia's memo for the next meeting. Mr. Kerrigan agreed and thanked the Board.

**Village of Ossining Indian Brook Water Treatment Plant, Amendment to Negative Declaration Document**

Ms. Julie Herzner, Engineer, and Ms. Ruby Wells, Associate, Hazen and Sawyer were in attendance. Mr. Stolman submitted a copy of the New Indian Brook Water Treatment Plant, Attachment to Part 3 – Amended Negative Declaration, Notice of Determination of Non Significance, State Environmental Quality Review Act (SEQRA) for review and approval by the Board.

Ms. Wells gave an overview and reasons why this was amended. The State Historic Preservation Office (SHPO) did not issue a notice of no effect. SHPO asked applicant to look at The Old Croton Aqueduct which could potentially be affected by the project and asked them to implement and construction protection plan.

Ms. Wells noted that last year the Department of Environmental Conservation (DEC) responded that it should be changed from an Unlisted Action to a Type I Action. This change was completed last year but the document was not recirculated. Ms. Wells said last month the environmental assessment was changed to reflect SHPO's request and was re-circulated. Ms. Wells asked the Board to consider adopting the amended document.

There was no one from the public present for this item. Mr. Chin asked the Board for comments or questions. There were none. Mr. Chin asked the Board for a motion to adopt the amended negative declaration document.

Ms. Stevens made a motion, seconded by Dr. Hougham and it was unanimously passed by the Board to adopt the **New Indian Brook Water Treatment Plant, Attachment to Part 3, Amended Negative Declaration, Notice of Determination of Non-Significance, State Environmental Quality Review Act (SEQRA).**

Ms. Wells and Ms. Herzner thanked the Board.

**Minutes**

Minutes were not available at this time.

**Adjournment**

There being no further business to come before the Planning Board of the Town of Ossining, Ms. Stevens made a motion, seconded by Mr. Bossinas, and unanimously passed by the Board that the meeting be adjourned to September 18, 2019

Time Noted: 8:05 p.m.

Respectfully submitted,

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**NEW INDIAN BROOK WATER TREATMENT PLANT  
ATTACHMENT TO PART 3 – AMENDED NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE  
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

**Conclusion:** The Town of Ossining Planning Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Reasons Supporting This Determination:**

1. *The Proposed Action will not have a significant adverse environmental impact with respect to construction on, or physical alteration of, the land surface of the Site.*

In the future with the proposed Project, the existing land use and development characteristics surrounding the Site are not anticipated to change. In the future with the Project, to accommodate construction, trees and vegetation would be cleared and the land would be graded to establish a staging area for the proposed IBWTP construction. Approximately 860 cubic yards (CY) of material is proposed to be removed from the Site over the course of three to six months for the construction of the facility in addition to small amounts to be removed from the Site due to possible contamination.

Approximately 3.6 acres of land would be cleared to support construction of the proposed IBWTP. The cleared land would consist of mowed lawn (approximately 1.35 acres) and forested area (approximately 1.46 acres). There is also a small wetland within the forested area (approximately 0.14 acres) that would be permanently disturbed. Disturbance of the watercourse buffer associated with the wetland would also occur. Following construction of the proposed IBWTP, a mitigation plan would be implemented which would restore the trees and wetland/watercourse buffer areas disturbed during the construction of the IBWTP. Land disturbance during excavation, staging and stockpile activities would be temporary in nature. Following construction, areas that were temporarily disturbed would be restored.

Operation of the proposed Project would be consistent with the existing land use designation of water supply land and would not affect the adjacent single-family residential land use nor other land uses surrounding the Project area. The proposed Project would not physically displace existing land uses or alter existing land uses within the Project area. In addition, physical features of the land would not be altered during operation of the proposed IBWTP.

2. *The Proposed Action will not have a significant adverse environmental impact with respect to, or with respect to access to, any unique or unusual land forms.*

There are no unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, caves) on the Project Site that would be impacted during construction or operation. The proposed Project

will not physically alter or disturb any unique or unusual land forms.

3. *The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).*

The United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps and New York State Department of Environmental Conservation (NYSDEC) freshwater wetlands maps were consulted to determine the potential for wetlands to occur and to identify previously surveyed wetlands. The analysis determined that NYSDEC freshwater wetlands and other regulated waterways do not occur at the Project Site; however, the inlet and outlet to the Indian Brook Reservoir are NYSDEC Class A and C streams, respectively. USFWS NWI mapping shows open water (PUB) and palustrine wetlands, which include emergent (PEM) and unconsolidated shore (PUS) types, associated with the Indian Brook Reservoir. However, NWI mapped wetlands do not occur within the Project area. Following the evaluation, natural resources investigations were conducted at the proposed Project Site to identify and delineate them. A small wetland, Wetland OW-1, was identified within the forested area located in the northwest corner of the Project Site.

Wetland OW-1 is a shallow emergent marsh wetland that is approximately 0.14 acres in size. There is an approximately 0.93-acre buffer area associated with Wetland OW-1. This wetland is hydrologically fed by a hillside spring/seep located downslope of an existing Pump Station near the entrance to the Site as observed in the field. Wetland OW-1 and its associated buffer area are regulated by the Town of Ossining.

In the future without the proposed Project, it is anticipated that Wetland OW-1 would continue to be fed by the spring/seep near the pump station with the same dominant vegetation. In the future with the proposed Project, wetland OW-1 would be permanently disturbed to facilitate construction of the proposed IBWTP. As per the Town of Ossining regulations, a mitigation plan would be implemented which would recreate the wetland and wetland/watercourse buffer areas disturbed during the construction of the proposed IBWTP at a one-to-one ratio. Compensatory mitigation for wetland and watercourse buffer impacts typically are conducted on-Site or within the same watershed, if possible.

If there is no suitable room for wetland mitigation at the construction Site of the proposed IBWTP, the Village of Ossining would need to perform an assessment of other suitable properties for potential wetland mitigation Sites. If no municipally-owned Sites are suitable, the Village of Ossining may need to purchase property to perform any required wetland mitigation. The Village is committed to finding a location for the required wetland and buffer mitigation.

To manage stormwater that would be generated on-Site from the addition of impervious areas associated with construction of the proposed IBWTP and driveway improvements, the Project would combine three different stormwater BMPs: a green roof, bioretention and

underground storage chambers. In addition, stormwater management during construction would include implementation of an erosion and sediment control plan.

4. *The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer.*

Existing local groundwater conditions are likely affected by Site conditions, such as geology, topography, and the pool level of the Indian Brook Reservoir. The portion of the Project Site in the vicinity of the proposed Plant is characterized by topsoil, fill, and loess (loose to dense brown to yellow sandy silt). Groundwater levels recorded in observation wells installed at the proposed Project Site ranged from 12.1 to 13.5 feet below ground surface (bgs).

In the future without the proposed Project, it is anticipated that groundwater levels and groundwater use would remain as under current conditions. In the future with the proposed Project, a portion of the proposed IBWTP would require excavation to approximately 16 feet bgs which would likely require dewatering during construction. The contractor would be required to follow standard dewatering procedures as specified by the NYSDEC. The limited dewatering required during construction would result in a localized lowering of groundwater elevations within the Project Site. However, this would be temporary in nature and it is not anticipated to have a significant adverse impact on groundwater elevations in the area. Groundwater quality, quantity, level and flow within the Project area would not be affected by operation of the proposed Project. The proposed Project would not result in new or additional groundwater use or have the potential to introduce contaminants to groundwater or an aquifer.

5. *The Proposed Action will not have a significant adverse environmental impact with respect to drainage or development on lands subject to flooding.*

The proposed Project Site is not located within a FEMA-mapped 100-year flood hazard zone. However, the proposed Project Site is located in an area of minimal flood hazard, mapped as Zone X. This is an area determined to be outside the 500-year flood elevation and protected by a levee from the 100-year flood elevation.

The location of the proposed IBWTP is currently undeveloped forested land and wetland and any rainfall at the Site either percolates into the ground or drains to the Wetland OW-1 and the stream located nearby (Indian Brook). In the future without the proposed Project, it is anticipated that stormwater would continue to flow to these locations. In the future with the proposed Project, grading and earthwork would occur at the Project Site that would alter existing drainage patterns. However, drainage improvements that are part of the proposed Project include installation of stormwater BMPs (a green roof, bioretention and underground storage chambers) to properly manage stormwater runoff on the Project Site and maintain

pre-construction conditions. As a result, stormwater flows would comply with the NYSDEC Stormwater Management Design Manual and would not lead to on-Site flooding. Since the proposed Project is not located within a flood hazard zone and stormwater runoff would be controlled to pre-construction conditions, the proposed Project would not change flood water flows within or adjacent to the Project area.

6. *The Proposed Action will not have a significant adverse environmental impact with respect to any State regulated air emission source.*

Under the Clean Air Act (CAA), the United States Environmental Protection Agency (USEPA) established National Ambient Air Quality Standards (NAAQS) for six major air pollutants referred to as "criteria pollutants": carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb) on the basis of information on health and environmental effects. *Primary standards* represent the most restrictive limits, and are established to protect public health, including the health of at-risk populations, such as asthmatics, children, and the elderly. *Secondary standards* set limits to protect the public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

New York State has adopted the NAAQS as State ambient air quality standards, and in addition, there are New York State Ambient Air Quality Standards (NYSAAQS) for total suspended particulate matter (TSP), settleable particles, non-methane hydrocarbons (NMHC), and ozone, corresponding to Federal standards that have since been revoked or replaced. There are also NYSAQS for beryllium (Be), fluoride (F), and hydrogen sulfide (H<sub>2</sub>S).

In the future without the proposed Project, it is anticipated that air emissions would continue to be those generated by the existing IBWTP (emissions associated with routine truck traffic for chemical deliveries and solids hauling, and the exercising of the emergency generator). In the future with the proposed Project, construction-related air emissions would be temporary and transient in nature and would cease once construction is complete. To minimize any temporary increases in air emissions during construction, the Contractor would be required to reduce pollutant emissions during construction in accordance with all applicable laws and regulations. Operation of the proposed IBWTP would be similar to that of the existing IBWTP. Air emissions associated with water treatment would include routine truck traffic for chemical deliveries and solids hauling, and for exercising the emergency generator.

In addition, the proposed Project would include a dust control management plan and the implementation of other mitigation measures. Based on the temporary and transient nature of the construction activities during the Project, the fugitive dust and emission control measures to be applied, and the distance to the nearest residential receptor (approximately 270 feet), the construction activities associated with the proposed Project are not anticipated

to result in significant adverse impacts to air quality near the Site. Operation of the proposed IBWTP would be like that of the existing plant and no new sources of air emissions would be anticipated.

7. *The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.*

#### Ecological Communities

The two main upland habitats within the Project area can be classified as oak-tulip tree forest and mowed lawn. The oak-tulip tree forest is located in the western portion of the Project Site. The mowed lawn area is associated primarily with the existing IBWTP in the northeast portion of the proposed Project area. A small shallow emergent marsh wetland (OW-1) is located in the northwest corner of the Project Site. The remainder of the Project area contains paved road and existing IBWTP infrastructure.

In the future without the proposed Project, it is anticipated that ecological communities on-Site would remain the same as under existing conditions. In the future with the proposed Project, approximately 1.46 acres of oak tulip tree forest would be cleared to facilitate construction of the proposed IBWTP. The proposed Project would result in the clearing of approximately 81 trees ranging in size from 6 to 40-inch diameter at breast height (dbh).

The Town of Ossining Tree Protection chapter requires the replacement of 50 percent of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement. A tree restitution plan for the proposed Project would be developed to meet this requirement. The tree restitution plan would include on-Site tree replacements to the extent practicable supplemented with off-Site tree plantings. The tree restitution plan would include detailed specifications for the maintenance of the replanted trees and include guarantees that would provide for the replacement of any replanted trees that do not survive or exhibit poor growth over a specified period of time. This would ensure the long-term success of the restoration. Payment of a fee to the tree bank fund may also be made to satisfy the tree replacement requirement.

In addition, approximately 0.14 acres of shallow emergent marsh wetland habitat would be filled and approximately 0.93 acres of wetland and watercourse buffer associated with the shallow emergent marsh would be cleared for construction of the proposed IBWTP. The Town of Ossining Freshwater Wetlands, Watercourses and Waterbody Protection chapter allows for mitigation for unavoidable losses of wetlands and wetland/watercourse buffer areas at a 1:1 replacement ratio. A Wetland and Watercourse Buffer Mitigation Plan for the proposed Project would be developed to meet these requirements, which would include an on-Site mitigation plan if post-construction Site constraints (e.g., size requirements and drainage conditions) allow. If on-Site mitigation is not feasible, an off-Site mitigation plan



would be developed within the same drainage basin affected by the proposed Project, which would provide similar ecological characteristics and function as the impacted wetland. Detailed specifications for the installation and maintenance of the mitigation area would be developed to ensure its long-term success. A monitoring plan would also be implemented to ensure that the elements of the mitigation plan and any permit conditions have been met. If off-Site mitigation is required, contribution to a Town Board-adopted drainage basin and/or wetland improvement plan may be considered by the Town to satisfy the mitigation requirement.

The forested land and wetland/watercourse buffer area to be cleared for the proposed Project consists of common habitat types in the area and are not characterized as significant natural communities or known to contain any protected species. The proposed tree restitution and Wetland and Watercourse Buffer Mitigation Plans would restore the tree cover and wetland/watercourse buffer lost due to the proposed Project.

#### Wildlife

During natural resource field investigations conducted as part of Project design, limited wildlife was observed. Signs of white-tailed deer (*Odocoileus virginianus*) via scat was evident throughout the Site and eastern chipmunk (*Tamias striatus*), eastern gray squirrel (*Sciurus carolinensis*), and wild turkey (*Meleagris gallopavo*) were observed. No other mammals were observed, although it would be expected that common mammals in Westchester County such as striped skunk (*Mephitis mephitis*), red fox (*Vulpes vulpes*), white-footed mouse (*Peromyscus leucopus*), little brown bat (*Myotis lucifugus*), and raccoon (*Procyon lotor*), among others, utilize the forested habitat present in the Project area (NYSDEC, 2018). Common birds to the area such as American robin (*Turdus migratorius*), wood thrush (*Hylocichla mustelina*), and blue jay (*Cyanocitta cristata*) were observed during the field investigations. An eastern box turtle (*Terrapene carolina*) was observed in the small wetland associated with the forested portion of the Project Site (Wetland OW-1). The eastern box turtle is not Federally protected, but is designated as a species of special concern in New York State.

The Project area is located at the western edge of large tracts of undeveloped forested habitat. In the future without the proposed Project it is anticipated the type and number of wildlife would be the same as under existing conditions. In the future with the proposed Project, 1.46 acres of forest habitat would be lost to support construction, which would not constitute a significant portion of the forested habitat present in the area and is not anticipated to affect the regional populations of any the species mentioned above. The tree clearing would occur during the winter months when migrating birds are not present in the area. The potential change in the hydrology of the small wetland that currently exists on-Site may affect the use of this area by amphibians. However, the wetland is somewhat degraded due to the

presence of invasive vegetation and no amphibians were observed during the natural resource investigations. The proposed Wetland and Watercourse Buffer Mitigation Plan would recreate the wetland and wetland/watercourse buffer habitat lost due to the proposed Project with higher quality habitat. In addition, a tree restitution plan would replace some of the lost trees on-Site. The surrounding area would remain wooded.

#### Aquatic Resources

There are no aquatic habitats within the proposed Project area. Therefore, no fish or benthic invertebrates occur within the proposed construction footprint. However, Indian Brook, which is tributary to the Croton River, lies to the north of the proposed IBWTP. In the future without the proposed Project, stormwater would continue to flow from the Site to Indian Brook and ultimately the Croton River. In the future with the proposed Project, direct impacts to waterways or wetlands within the limit of disturbance would be minimized to the maximum extent practicable through the implementation and use of construction BMPs. Following construction, the quality and quantity of stormwater generated on-Site would be the same as under existing conditions using a green roof, bioretention and underground storage chambers. This would maintain the existing quality of Indian Brook, allowing it to continue to support the same aquatic resources as under existing conditions.

#### Threatened, Endangered and Species of Special Concern

The New York Natural Heritage Program (NHP) was consulted in 2017 to obtain a list of flora and fauna that are protected by state or federal rules and regulations. On June 12, 2017, NHP provided a response that there were no records of rare or state-listed animals or plants, or significant natural communities at the project site, and did not report them to be in the project vicinity. Additionally, the United States Fish and Wildlife Services' (USFWS) Information for Planning and Conservation (IPaC) online tool was queried for a list of federally protected species that have the potential to occur in the proposed project area. The species reported from IPaC include the Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*). More recently, according to correspondence received from the New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Permits, Region 3, on August 31, 2018, the site is located within or near record(s) of bald eagles and/or their habitat. Prior to construction, NYSDEC would be contacted to determine if any new records of bald eagles are present in the vicinity of the project site.

Should a bald eagle nest (or nests) be identified or observed during construction, all work within a 660-foot buffer area of the nest(s) would immediately halt. At that time, coordination with USFWS would be initiated to implement measures to ensure that the bald eagle nest in the project area would not be impacted due to the IBWTP project, in accordance with all applicable bald eagle management regulations. Bald eagle management regulations include

the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, as well as recommendations from the USFWS National Bald Eagle Management Guidelines.

The results of habitat assessments performed found potential suitable habitat for the two species of bat. Suitable habitat for Indiana and northern long-eared bats consists of trees of a certain minimum diameter at breast height (dbh) that contain exfoliating bark, cracks, or crevices, and that optimally have good solar exposure. The cracks in the bark are used by the bats for daytime roosting during the summer months. The minimum dbh required for Indiana bats is 5-inches and the minimum dbh required for northern long-eared bats is 2.5-inches (USFWS, 2016). During the habitat assessments, numerous trees with suitable bark characteristics were identified in the proposed Project area.

In the future without the proposed Project, these trees would remain on-Site and could serve as suitable habitat for Indiana and Northern long-eared bats. In the future with the proposed Project, construction of the proposed IBWTP would result in the clearing of approximately 1.46 acres of forested land that contains potential suitable habitat for Indiana and northern long-eared bats. Indiana bats and northern long-eared bats are active during the summer months in forested areas; however, in the fall and winter months they return to communal hibernacula to hibernate through the winter. Hibernacula for these species are typically caves/mines. To avoid directly affecting protected species of bats, the Village of Ossining would commit to clearing forested habitat only during the USFWS-approved window of October 1 to March 31. During the summer roosting months, no tree clearing would occur. During construction, it is anticipated that the habitat near the Project Site would be indirectly affected by noise and therefore additional habitat would be temporarily unsuitable for summer roosting. Upon completion of the proposed Project, the surrounding habitat would be free of construction noise and would again be viable for summer roosting.

There are also large tracts of undeveloped forested land to the east of Indian Brook Reservoir that provide ample roosting habitat during the construction period. Following construction, the Village would initiate a tree restitution plan as described in this section and noise levels would return to existing conditions. Therefore, the proposed Project would not result in significant adverse impacts to either Indian bat or Northern long-eared bat or their habitat. No other threatened or endangered species are identified as having the potential to be on or use the Project Site.

8. *The Proposed Action will not have a significant adverse environmental impact on agricultural resources.*

Based on a review of land use and zoning plans for the Village and Town of Ossining, no agricultural resources were identified on or adjacent to the Project Site.

9. *The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.*

The proposed Project Site is located on Village property in a remote location that is currently surrounded by moderately dense forest and vegetation where observation of the Site is largely obstructed from the public's view. The exception are homes to the north of the Project Site on Kelly Court and Applegate Way, some of which are situated on a hill with views of the Indian Brook Reservoir and Project Site.

In the future without the proposed Project, views of the existing IBWTP and Indian Brook Reservoir would be the same as under existing conditions. In the future with the proposed Project, the IBWTP would be partially visible from residents on Kelly Court and Applegate Way. However, the moderately wooded area surrounding the proposed Project Site would partially obstruct views of the construction Site during the spring, summer, and fall months and partially during the winter months. In addition, construction activities associated with the proposed Project would be temporary in nature. As part of the proposed Project, a large white bubble-style cover over the existing sedimentation tanks adjacent to the existing IBWTP would be removed, the tanks would be demolished, and the area replanted with grass. This would improve views of the reservoir from residential properties. The proposed IBWTP would be located on the property, 200 feet southwest from the existing IBWTP and would be of similar construction to the existing IBWTP. In addition, one of the stormwater management BMPs is a green roof. The presence of the roof would mimic more natural conditions and would mitigate views changed by the loss of forested areas in that portion of the Project Site.

The proposed Project is not located within a scenic vista, nor along a designated scenic roadway. As a result, no scenic vistas, roadways, or other resources would be affected. Following construction, areas that have been temporarily disturbed would be restored. This would include reforestation efforts and wetland mitigation that, over time, would further screen views of the proposed IBWTP. The existing sedimentation tanks and cover would be removed, and a green roof would be installed on the proposed IBWTP, enhancing views that include the Project Site.

10. *The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources.*

To verify the potential presence or absence of historic and archaeological resources within the Project Site, online resources were reviewed at the New York State Office of Parks Recreation and Historic Preservation (NYSOPRHP) website. The Village prepared and submitted a Project Review Cover Form and submission packet in August 2017 requesting comments from the NYSOPRHP in accordance with the Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. After its review, which was conducted in accordance with Section 106 of the National Historic Preservation Act and relevant

implementing regulations, NYSOPRHP identified the Old Croton Aqueduct, which runs along the western edge of the Project Site, as a State Historic Park and a National Historic Landmark listed on the National Register (90NR02435). Areas containing potential archeological resources were not identified by NYSOPRHP as occurring on-Site.

In the future without the proposed Project, the Old Croton Aqueduct would remain adjacent to the Project Site in an undisturbed state. That is, in the future with the proposed Project, the Old Croton Aqueduct is not anticipated to be disturbed during construction activities. Similarly, operation of the proposed IBWTP would not affect the Old Croton Aqueduct, which would continue to be the primary source of water for the IBWTP. After subsequent correspondence with NYSOPRHP in June 2019, additional requested contract documents were submitted to NYSOPRHP for review, reflecting this analysis. As a result, NYSOPRHP determined that the proposed project would not adversely affect the National Register-listed Old Croton Aqueduct.

11. *The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource as designated in any adopted municipal open space plan.*

The Indian Brook Reservoir and its immediate shoreline are designated Open Space Water Supply Lands and are adjacent to the proposed Project Site. Additionally, the Old Croton Aqueduct, a State Historic Park, is a State Parkland designated open space approximately 300 feet west of the proposed Project Site. In the future without the proposed Project, these open space resources would continue to serve the area surrounding the existing IBWTP. In the future with the proposed Project, construction activities would introduce some activity near these resources.

Construction of the proposed Project would be approximately three years, and while slightly increased noise levels may be audible from the Indian Brook Reservoir and immediate shoreline near the Project Site, they would not impact the Indian Brook Reservoir. A Construction Protection Plan would be in place to prevent damage to the Old Croton Aqueduct. Following construction, operation of the proposed IBWTP would be the same as under existing conditions. All existing open space and recreational opportunities, both public and private, would continue to serve the surrounding communities during construction and operation.

12. *The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental area (CEA).*

The proposed Project Site is not within a designated CEA, but is located adjacent to the Indian Brook Reservoir, which is a designated CEA. This Indian Brook Reservoir CEA was established in 1990 by the Westchester County due to its exceptional or unique character. It is likely that the CEA was designated in part to support protection of the Village's reservoir

from excessive development of surrounding lands and activities that would degrade water quality.

In the future without the proposed Project, the existing IBWTP would continue to operate adjacent to the Indian Brook Reservoir CEA. In the future with the proposed Project, all construction activities would take place downstream of the Indian Brook Reservoir and would not otherwise affect the resource. Operation of the proposed IBWTP would be the same as the existing IBWTP and no change in the amount of water withdrawn from the reservoir is planned as part of the proposed Project.

13. *The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.*

To support the analysis, the Annual Average Daily Traffic (AADT) was reviewed for Ryder Road, approximately 2 miles southeast of the Project Site, by the Westchester County Department of Public Works and Transportation (DPW&T). Ryder Road is the closest local road where such traffic count data is available. The weekly averages from the traffic count performed at Ryder Road indicate that the daily traffic peaks occur between the hours of 7AM to 9AM and 3PM to 5PM. Additionally, the New York State Department of Transportation (NYSDOT) performs AADTs on State roadways. The weekly averages from the traffic count performed on NY Route 9A, approximately 0.40 miles from the IBWTP, indicate the daily traffic peaks occur between the hours of 7AM to 9AM and 4PM to 6PM.

Access to the Project Site is currently from Fowler Avenue via the existing plant driveway for facility operations and the proposed construction activities. An existing 14-foot wide driveway is currently being utilized to access the existing IBWTP. As part of the proposed Project, the driveway would be expanded by 10 feet to a 24-foot wide, two-way driveway. Fowler Avenue is a narrow two-lane, paved, suburban road and the posted speed limit in the Project area is assumed to be 30 miles per hour (mph). Residential and wooded areas generally border Fowler Avenue in the Project area. There is no public transportation to or from the Project Site or in the immediate vicinity of the proposed Project. There is little to no pedestrian activity in the immediate vicinity of the proposed Project Site (there are no sidewalks on Fowler Avenue). Under current operations, Village employees access the Project Site daily with Village-owned vehicles to perform various maintenance and operation activities.

In the future without the proposed Project, traffic in the Project area would remain the same as under existing conditions. In the future with the proposed Project, construction would result in additional vehicle trips for the transportation of work crews and construction materials and equipment to and from the Project Site during construction hours (approximately 7 AM to 3

PM). It is anticipated there would be an average of 15 worker vehicles per day and approximately 5 truck trips per day to support construction activities. All Project-related traffic is expected to access the Project Site via Fowler Avenue from the southwest. For the

purposes of this evaluation, the peak Project-generated traffic hour is assumed to coincide with typical construction hours for employee vehicles entering the Site, which may coincide with some of the peak hour traffic volume in the area.

Following construction, temporary construction-generated traffic would cease. The traffic pattern would return to pre-construction traffic conditions relating to operation of the proposed IBWTP which would be the same as traffic generated to support operation of the existing IBWTP. The Project would not generate demands for public parking or transportation or increase pedestrian activity within the Project area.

14. *The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.*

Electrical power is currently provided to existing IBWTP at the Project Site and surrounding local residential and commercial users by Consolidated Edison (Con Ed). The existing IBWTP is served by a three-phase underground primary electrical service that originates from a 15kV overhead distribution owned by Con Edison, entering the facility at the front entrance along the adjacent service road. The utility feed transitions from overhead to a primary manhole located between the main gate to the Site and the existing IBWTP. There is also an existing 1,000 kW diesel generator located on-Site.

In the future without the proposed Project, energy use by the existing IBWTP would not be anticipated to change from existing conditions. In the future with the proposed Project, construction would require the use of fossil fuels (primarily gas, diesel, and motor oil) for a variety of activities, including excavation, grading, demolition, generator use, and vehicle travel. Direct energy use would also include the use of electricity required to power construction equipment (e.g., electric power tools).

The proposed IBWTP would be designed to meet energy efficiency standards and requirements including New York State Adapted 2015 International Energy Conservation Code (IECC) and ASHRAE 90.1. Continuous insulation would be provided to meet required thermal insulation values in walls and the roof. Doors and windows would be specified to meet required energy efficiency criteria. While the treatment process at the proposed IBWTP would be slightly different than that at the existing IBWTP, the annual operational energy use is anticipated to be similar to existing conditions. The proposed IBWTP includes installation

of a new generator that is the same size as the one on-Site. The existing generator would be removed from service. There is sufficient capacity in the electrical service provided by Con Ed to power the proposed IBWTP and the proposed Project would not include activities designed to generate electricity.

While there may be increased energy use on-Site to support construction, these activities are temporary nature and sufficient capacity of on-Site electrical service to support



construction and operation of the IBWTP exists.

15. *The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.*

#### Noise

In the future without the proposed Project, it is anticipated noise levels would continue to be those generated by the existing IBWTP (noise associated with routine truck traffic for chemical deliveries and solids hauling, and for exercising the emergency generator). In the future with the proposed Project, construction-related noise levels would increase but be temporary in nature and would cease once construction is complete. Any building or construction activity, including the clearing and removal of trees or other Site preparation work, which is audible outside of a building or structure is permitted only between the hours of 8:00 AM and 8:00 PM on weekdays (except holidays) and between the hours of 9:00 AM and 5:00 PM on Saturdays, Sundays and holidays (Westchester County, Town of Ossining, Municipal Code Chapter 130-6). These restrictions would be included in the Project specifications and adhered to by the contractor for construction activities. Post-construction noise levels around the proposed IBWTP are expected to return to those generated by the existing IBWTP (noise associated with routine truck traffic for chemical deliveries and solids hauling, and for exercising the emergency generator).

#### Odors

The proposed Project may generate incremental increases in odor from vehicles and equipment (e.g., diesel fumes) during construction. However, these construction-related incremental increases would be localized and temporary in nature. Any odors originating from operation of the proposed IBWTP would be like those generated during operation of the existing IBWTP and no increases in odors are anticipated once the Project is operational.

#### Lighting

It is not anticipated that construction activities would occur at night. Post-construction lighting around the proposed IBWTP would be utilized only during emergency maintenance activities. Lighting of the proposed IBWTP would follow all applicable codes and would be designed to be the minimum necessary to support operations, like lighting at the existing IBWTP.

16. *The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.*

To evaluate the potential presence as well as impacts of exposure to hazardous materials within the Project area, the following available online environmental databases were searched: New York State Department of Environmental Conservation Environmental Site

Remediation, Bulk Storage and Spills Incident Databases. The potential for significant impacts from hazardous materials can occur when elevated levels of hazardous materials exist on a Project Site or surrounding properties.

In addition, hazardous material impacts can occur if the proposed Project increases pathways to environmental or human exposure based on factors such as topographic and hydrological conditions on the Project Site or surrounding areas. If these factors can be ruled out, then the potential for impacts is significantly minimized. Given the topography and depth of groundwater within the Project Site (approximately between 14 and 20 feet), a 0.25 mile search radius from the edge of the property was utilized to analyze potential hazardous materials related impacts associated with the proposed Project. A review of the available NYSDEC online environmental databases was conducted to screen database listings that are located within the 0.25 miles search radius. Based on this review, eight NY Spill, and one Aboveground Storage Tank (AST) listing were identified within 0.25 mile of the Project's property boundary. Based on the review of the databases, four of the eight spills were identified in connection with the Project Site parcel. Additionally, the AST listing corresponds with the Project Site.

All the spills have been granted a regulatory case closed status, indicating that the incidents have been remediated to the satisfaction of the NYSDEC and USEPA. The NYSDEC Bulk Storage database indicates that the existing IBWTP, identified on the database as Indian Brook, is registered with one AST that has been closed/removed and one AST that has been converted to a non-regulated use.

In the future without the proposed Project, the spill Sites and storage tanks identified would continue to be present in the Project area. In the future with the proposed Project, construction activities would require the potential temporary storage and use of petroleum and other chemical products, such as diesel fuel for back-up power, lubricating oil for construction vehicles and trucks, and miscellaneous cleaning and maintenance chemicals. The Village of Ossining and its contractors would use, store and handle all materials in accordance with applicable Federal, State and local regulations and guidelines, including those relating to: Federal Spill Prevention, Control, and Countermeasures requirements; and State petroleum bulk storage, chemical bulk storage and spill reporting requirements.

Construction activities associated with the proposed Project would be short-term in nature, lasting approximately 36 months so any potential impacts from spills or releases of chemicals would pose a temporary risk. Once operational, the risk to human health would be the same

as from operation of the existing IBWTP. Based on factors such as the regulatory case status, distance and/or location of identified NYSDEC and USEPA listings downgradient from the proposed Project Site, no major concern for environmental impacts are known to exist from these database listings.

Finally, the Village of Ossining has a fundamental obligation to provide drinking water to homes, businesses, schools, and institutions in its service area that complies with all provisions of the Safe Water Drinking Act created for the benefit and the safety of the public. The existing IBWTP has provided high quality water to consumers for many years, and with the proposed IBWTP, the Village of Ossining's water system is anticipated to continue to supply high quality water into the foreseeable future. The valued importance of the quality and safe drinking supply system to the Village of Ossining means that continual evaluation of the water supply and expansion of infrastructure through the proposed Project is necessary. There would be no disruption of service as the proposed IBWTP becomes operational and the existing plant is taken offline. Therefore, the proposed Project provides a public health benefit.

17. *The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans.*

#### Westchester 2025 Plan

Westchester County's Westchester 2025 Plan is a framework to help the municipalities within the County develop comprehensive plans that achieve a balance between economic and environmental concerns, while serving the future needs of these communities. The potential effects of the proposed Project are evaluated relative to compatibility with the following recommendation:

"Preserve Natural Resources: Preserve and protect the county's natural resources and environment, including its water resources (groundwater, water bodies, wetlands, coastal zones), significant land resources which include steep slopes, unique natural areas, and ridgelines and prime agricultural land. Potential impacts on these natural resources require careful consideration as part of land management and development review and approval."

Water resources identified within the proposed Project area consists of a small wetland located in the location of the proposed IBWTP. The proposed Wetland and Watercourse Buffer Mitigation Plan would recreate the wetland/watercourse buffer habitat lost due to the proposed Project. While land would be temporarily disturbed during construction of the proposed Project, areas would be restored following construction with no anticipated long-term impacts to land. Operation of the proposed Project would be the same as under existing conditions and would not alter natural resources on or adjacent to the Site.

"Maintain Utility Infrastructure: Maintain safe and environmentally sound systems and policies for the removal or treatment of waste and collection and the distribution of drinking water consistent with land use policies. Programs to reduce the waste stream, protect water quality, control and treat storm water and alleviate flooding must

be strengthened."

The proposed Project supports the goal of supplying clean drinking water to Ossining's residents. The Project would occur on designated water supply land and comply with existing land use, zoning, transportation, economic development, and environmental policies. In addition, the proposed Project would ensure that safe and environmentally sound systems and policies that are consistent with land use policies are maintained for the collection and the distribution of drinking water. The proposed Project would not adversely affect natural resources and would support maintenance of utility infrastructure.

#### Town of Ossining Comprehensive Plan

The Town of Ossining Comprehensive Plan contains goals and objectives to help decision-makers achieve the future vision for the Town of Ossining. The potential effects of the proposed Project are evaluated relative to compatibility with the following recommended goal:

"Environmental Resources: Preserve existing open space, acquire new properties for preservation and recreation, and protect trees, water supply and watersheds, steep slopes, viewsheds, scenic resources, wildlife habitats and other significant environmental assets of the community."

One objective of the Environmental Resources goal is to, "protect and enhance the Indian Brook Reservoir, its watershed and other natural resources...." The proposed Project directly serves to further this goal and objective.

18. *The Proposed Action will not have a significant adverse environmental impact upon the existing community character.*

The proposed IBWTP would be located on Village-owned property, approximately 200-feet southwest of the existing IBWTP and would continue to provide water supply for the Village of Ossining as under current conditions, with improved treatment and expanded capacity. The proposed Project would be consistent with the characteristics, services and land uses of the property and adjacent properties. The proposed IBWTP would have a larger footprint than the existing IBWTP; however, the moderately wooded area surrounding the proposed Project area would partially obstruct views of the construction and building during the spring, summer and fall months and partially during the winter months and as such there will be little visual change. Once operational, removal of the existing covered sedimentation tanks and installation of a green roof will improve views that include the Project Site.

Based upon this information and the information in the Full Environmental Assessment Statement, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

SEE ENVIRONMENTAL ASSESSMENT STATEMENT AND ATTACHMENT TO THIS PART 3

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

See Environmental Assessment Statement and Attachment

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Ossining Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: New Indian Brook Water Treatment Plant

Name of Lead Agency: Town of Ossining Planning Board

Name of Responsible Officer in Lead Agency: Ching Wah Chin

Title of Responsible Officer: Chairman of the Planning Board

Signature of Responsible Officer in Lead Agency:

Date: August 21, 2019

Signature of Preparer (if different from Responsible Officer)

Date: August 21, 2019

**For Further Information:**

David H. Stolman, AICP, PP, Principal  
Frederick P. Clark Associates, Inc.

Contact Person: Sandra Anelli, Planning Board Secretary

Address: P.O. Box 1166, 101 Route 9A, Ossining, NY 10562

Telephone Number: (914) 762-8419

E-mail: [SAneill@TownofOssining.com](mailto:SAneill@TownofOssining.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**The ENB SEQRA Notice Publication Form - Please check all that apply**

## Reset Form

**Deadline:** Notices must be received by 6 p.m. Wednesday to appear in the following Wednesday's ENB

✓ Negative Declaration - Type I

\_\_\_\_\_ **Conditioned Negative Declaration**

                     Draft Negative Declaration

           Positive Declaration

with Public Scoping Session

           Draft EIS

\_\_\_\_\_ with Public Hearing

Generic

Supplemental

Final EIS

**Generic**

\_\_\_\_\_ Supplemental

DEC Region # 3 County: Westchester Lead Agency: Town of Ossining Planning Board

**Project Title:** New Indian Brook Water Treatment Plant

**Brief Project Description:** The action involves . . .

The Town of Ossining Planning Board has received applications from the Village of Ossining (the "Owner" and "Applicant") for Site Plan, Wetlands Permit and Architectural Review Board Approvals for the construction of a new, larger Indian Brook Water Treatment Plant (IBWTP) on the existing IBWTP property located in the Town of Ossining (the "Proposed Action").

The Village of Ossining (the "Village") is undergoing a period of growth and is seeking ways to ensure that it can reliably meet the water demands of its growing population for the foreseeable future. The objectives of the new Plant are to provide the best treatment process to meet regulatory standards, and to meet the Village of Ossining's water supply needs.

The Village proposes the construction of a new, larger Indian Brook Water Treatment Plant (IBWTP or "Plant") on the existing IBWTP property. The IBWTP currently operates at flows greater than 4 million gallons per day (mgd) during the peak season (i.e., summer). Although the existing IBWTP has the capacity to operate at approximately 5 mgd, maintaining water quality at flows greater than 4 mgd requires frequent filter backwashing. The proposed IBWTP would increase the IBWTP capacity to 7.0 mgd to accommodate anticipated future water demands.

**Project Location (include street address/municipality):** 25 Reservoir Road/Old Albany Post Road, Ossining, NY 10562

**Contact Person:** Sandra Anelli, Planning Board Secretary

Address: P.O. Box 1166, 101 Route 9A      City: Ossining      State: NY      Zip: 10562

Phone: (914) 762-8419 Fax: (914) 290-4656 E-mail: [SAnell@TownofOssining.com](mailto:SAnell@TownofOssining.com)

For Draft Negative Declaration / Draft EIS: Public Comment Period ends: \_\_\_\_/\_\_\_\_/\_\_\_\_

For Public Hearing or Scoping Session: Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time: \_\_\_\_ : \_\_\_\_ am/pm

**Location:**

A hard copy of the DEIS/FEIS is available at the following locations:

The online version of the DEIS/FEIS is available at the following publically accessible web site:

**For Conditioned Negative Declaration:** In summary, conditions include:



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APPLICATION OF  
VILLAGE OF OSSINING

WATER TREATMENT PLANT  
25 Reservoir Road  
-----

X

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:

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:

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:

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X

CERTIFICATION OF  
RECORDS

STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF WESTCHESTER            )

SANDRA ANELLI, being duly sworn deposes and says:

1. I am the Secretary of the Town of Ossining Planning Board, the duly authorized custodian of the annexed records and have authority to make this certification.

2. The following attached records are, true and accurate versions of the following documents:

(a) June 20, 2018 Meeting Minutes during which the Town of Ossining Planning Board adopted a resolution in which it declared its intent to be Lead agency for the project;

(b) SEQRA Notice of Intent circulated to Interested and Involved Agencies and responses received

(c) Excerpt of September 5, 2018 Meeting Minutes during which the Planning Board passed a resolution to adopt the attached Negative Declaration.

  
SANDRA ANELLI

Sworn to before this  
7<sup>th</sup> day of September, 2018

  
Notary Public

LORI B. MCDONALD  
Notary Public, State of New York  
No. 01MC6176165  
Qualified in Westchester County  
Term Expires Oct. 29, 2019

June 20, 2018

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 20th day of June 2018. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Greg McWilliams, Vice Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Marc Hoeflich, Member

Also Present:

Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
David Stolman, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

### **Executive Session**

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Mr. Chin asked that the Board go into executive session. Mr. Hoeflich made a motion, seconded by Dr. Hougham and it was unanimously passed by the Board to enter into executive session at 7:35 p.m.

Mr. McWilliams made a motion, seconded by Mr. Hoeflich, and unanimously passed to reopen the meeting at 8:01 p.m.

### **The Village Of Ossining, Indian Brook Water Treatment Plant, 25 Reservoir Road, Site Plan Review**

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Mr. Paul Fraioli, Director of Public Works & Engineer Village of Ossining, Mr. Andrew Tiess, Superintendent of Water/Sewer Village of Ossining along with their Consulting Engineers from Hazen and Sawyer, Ms. Julie Herzner, Project Manager, Mr. David Braun, Project Engineer, Mr. Michael Broder, Project Director.

Mr. Fraioli gave a brief overview of the project to the Board. The Village is the purveyor of water to the Village and Town through the Indian Brook Reservoir located in Crotonville. The original plant was built in 1930. The existing facility was last improved in the early 80's since that time many improvements to that plant were made. After many studies and incorporating what is necessary based on the Village's Comprehensive Plan, and after meeting with Consultants and meetings with Superintendent of Water, and others, it was determined that plant is going to be undersized. Mr. Fraioli said they are taking necessary steps to design a facility that will serve future communities of the Village and Town of Ossining, well into the future.

Additionally, Mr. Fraioli said they have had meetings with the Town and Town Consultants and Building Inspector. They applied to the Zoning Board for a required front yard variance. The property is located in the R-30 Single Family District in the unincorporated area of the Town. The Zoning Board referred the application to the Planning Board for site plan and SEQRA Review. Mr. Fraioli introduced Ms. Herzner to the Board.

Ms. Herzner reviewed the submission materials and power point presentation with the Board. The Village has been doing a great job maintaining the plant and implementing improvements to keep the plant up and running, but it is at the end of its useful life and also designed and treating four million gallons per day (4 MGD). Demands have been peaking up to 4MGD, demands that are greater than the original design capacity of the existing water treatment facility.

The existing facility and the new facility treat water that comes from the New Croton Reservoir that comes down the aqueduct as well as the Indian Brook Reservoir. Ms. Herzner further reviewed with the Board, how the facility operates and treatment of water and processes and chemical used to treat the water. A tree survey was done. Its approximately 91 trees. They will be working on a tree restitution plan with the Town and Village which they will include on site plantings and off site plantings. There is some repaving proposed to the existing access road.

Ms. Herzner discussed the need for a variance to the front yard for a front area of the building. They are in compliance with rear yard, side yard and height requirements. A wetlands delineation has been completed. Although there is a wetland, it is not flagged on the NYS DEC wetland or a Fish & Wildlife wetland maps. Ms. Herzner presented elevation slides and materials that will used on the building and slides of the green roof which provides many benefits keeping the building cooler, produces oxygen, reduces dust and smog, rain retention and filtering of stormwater and will be more attractive to neighbors located at a higher elevation on the other side of the tree line.

In response to questions raised by Dr. Hougham and Mr. Hoeflich. Mr. Fraioli explained the process of treatment and disposal of backwash water and sludge. Also, the Village has received permits from WCDOH to recycle this water, which used to be pumped into the County Sewer System.

June 20, 2018

Mr. Tiess noted that the sludge production, it is going to be much less with the dissolved air floatation process. They will be producing a thicker sludge than what they are producing now. This will reduce the amount of trucks going through the neighborhood as well as reducing sludge. As far as hazardous chemicals, they now have chlorine gas which is something you have to be very careful about. They are switching to sodium hypochlorite. It's a liquid and it doesn't have any off gassing that you would have to evacuate any neighborhoods along with UV which is one of the best processes for disinfection. As far as water quality, there's going to be less backwashing because the first process with the dissolved air floatation is going to be so much better. Mr. Tiess continued to discuss the newer methods and department of health standards as far as removing more lead, copper, and fluoridation.

Mr. Chin acknowledged receipt of a letter from a resident from Applegate Way. The letter below, dated June 19, 2018, from Elizabeth Uhl & Stephen Kowal, 12 Applegate Way states they are unable to come to the meeting and would like have their concerns put into the record:

*Re: Proposed Site of New Water Treatment Plant  
Hello,*

*We are unfortunately not able to make tomorrow's Planning Board Meeting where the New Water Treatment Plant will be discussed. We live at 12 Applegate Way in Waterview, and our property backs up against the proposed building site. We have a few concerns that we would like raised ahead of any approvals for the site. Would you be kind enough to introduce these into the minutes so that they become part of the record? Many thanks.*

*1) Visual block: provide for planting of evergreen trees tall enough to provide block of the structure; paint structure dark green or other neutral color to blend in with environment*

*2) Environmental issues: address potential run-off onto our property and erosion from the proposed road; ice melt salt wash into stream impact; garbage run-off to be prevented/maintained*

*3) Residential issues: Noise restrictions designed for residential area (decibels and time of day); floodlights unobtrusive and designed for residential area*

*Very much appreciate your cooperation and support,  
Elizabeth Uhl and Stephen Kowal (12 Applegate Way).*

Copies of the letter were given to the Village of Ossining and their Consulting Engineers. Mr. Fraioli expressed that steps have already been taken to introduce a deeper earth tones on the building and removing the striping from the rear elevation. A neutral color that will blend well when the leaves are down in the winter. With respect to sounds and noise, all of the equipment with the exception of the air handlers on the roof, will be inside. Which is not the case now at the existing facility. Only necessary safety lighting and regular ambient lighting will be around the building similar to what you would have around a typical home. They have prepared a storm water protection plan which addresses erosion controls and runoff and other environmental issues.

At this time, Mr. Bossinas made a motion, seconded by Mr. McWilliams and unanimously passed that the **Planning Board Declare Notice of Intent to be lead agency under SEQRA and to circulate the EAF to interested and involved agencies.**

A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously passed that the **Planning Board refer the plan to the Town's Environmental Advisory Committee and Westchester County Department of Planning for review and comment.**

A public hearing date was set for August 1, 2018.

### **River Knoll Development, 40 Croton Dam Road, Draft Environmental Impact Statement (DEIS) Review – Written Comments**

Mr. Glen Vetromile, Applicant, was in attendance. No new comments were received since the last meeting. The Board considered extended the written comment period to July 18, 2018. Mr. Vetromile discussed his communications with Mitzi Elkes, Town EAC Chair, regarding issues the EAC has with the steep slopes. He noted that there are some slopes and the steep slopes issue has already been outlined in their study with the Town. Trees have been marked and there are no significant wetlands on site. At the request of Mr. Chin, Mr. Vetromile also noted that he would be replenishing his escrow account with the Town next week. Mr. Chin requested that the period for written comment be extended until the EAC provide their report and escrow account is replenished.

A motion was made by Mr. Bossinas, seconded by Mr. McWilliams, and unanimously passed **to extend the written comment period on the River Knoll DEIS until July 18, 2018.**

### **Rayford Daverne & Sons, 52-1 & 52-3 Old Albany Post Road, New Homes, Architectural Review, PUBLIC HEARING CONTINUED**

Mr. John Fussell, Applicant, was in attendance early in the evening, however, had to leave the meeting due to unforeseen circumstances. There was no one in attendance from the public to speak on this matter. The applicant did not make any new submissions to the Board. This item was adjourned to the next meeting of the Planning Board, July 18, 2018.

June 20, 2018

**Armstrong Plumbing, 593 North State Road, LLC. 593 North State Road, Site Plan Review PUBLIC HEARING**

Mr. Michael Bell the Applicant and Mr. Tom Kerrigan from Site Design were present. Mr. Kerrigan presented the revised plan to the Board. Mr. Chin opened the public hearing at approximately 9:10 p.m. He noted that comments were received from a resident, Bridget Cicero, 128 Morningside Drive, dated June 13, 2018 were on file. A copy of the letter was given to the Board and the Applicant for review and consideration. Also, comments were received from Westchester County Planning Board, letter dated June 15, 2018.

Mr. Stolman submitted and reviewed, a memo dated June 20, 2018. Mr. Kerrigan agreed to amend the plan with respect to lighting, sign amendments, and site distance. Mr. Ciarcia submitted a memo dated June 20, 2018 which noted that the applicant has addressed all comments from an earlier review memo. Ms. Donna Sharratt of 84 Morningside Drive offered comments regarding the tree plan and expressed that this use is appropriate for North State Road. The tree plan has been updated to reflect 50% replacement. Ms. Sharratt asked about the proposed stone wall and what it would look like. Mr. Kerrigan passed out the brochure sample of what the proposed wall but said they are open to ideas. Dr. Hougham recommended using real stone rather than synthetic material. He further recommended in keeping with what are natural walls and stones in the area. In response to Ms. Sharratt, Mr. Kerrigan clarified that they have updated their planting plan with plants from the Westchester County List which was given to them at the last meeting by Mr. Hoeflich. Mr. Chin asked Ms. Sharratt to provide additional planting concerns in writing if there are more.

Mr. Hoeflich asked that they keep deliveries within regular business hours. Mr. Bossinas asked if the dumpster is screened properly. Mr. Kerrigan noted that the dumpster is not visible from neighboring properties, it's fenced in and there is vegetation around it. Refuse pickup is between 9:00 a.m. and 10:00 a.m. weekdays. The County letter requested extension of sidewalks on this part of the road, however, there is no sidewalk to connect to. The neighbor, Pets-a-go-go is up on a slope and is not connected by the North State Road sidewalks. Sidewalk extension is not feasible and the Board agreed it is not needed on that side of road. The proposed screening and planting buffer is more appropriate for this site.

At approximately 9:30 p.m., Mr. Chin asked if there was anyone in the audience with comments and concerns. There were none.

A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich and it was unanimously passed to **close the public hearing and direct staff to prepare a resolution of approval adding a note regarding the Planning Board's decision not to extend the sidewalk to this site.**

**The Learning Experience, Child Care Facility, 530 North State Road, Site Plan Review**

Mr. Adam Wekstein, Attorney, Hocherman, Tortorella & Wekstein, LLP, was in attendance. Mr. Wekstein noted that they have added additional agencies to their EAF so when it is circulated to the involved and interested agencies, it goes to the full list. They are awaiting comments from the Board and the Board's Consultants tonight, before changing or amending their plans. They have received comments and recommendations from the Westchester County Planning Board. Mr. Wekstein stated that the comment from the County where they ask them to consider changing the configuration and location of the building will impose a difficulty because of site restrictions. The long end of the building is perpendicular to the road. The County has recommended switching it with the idea of creating a streetscape but the site has two 48 inch culvert pipes that cut through the site and putting the building on top of that is not a good idea. Second, if the building is turned parallel to the street, the parking lot would have to be in front of the building. It doesn't make sense to put the entrance at the front and parking in the back so the children will have to walk all the way around the building.

Mr. Stolman submitted and reviewed a memo dated June 20, 2018, titled The Learning Experience, Site Plan, Wetlands Permit and Tree Removal Permit. The memo offers analysis and recommendations regarding the required buffer area between nonresidential lots and or residentially zoned lot which requires a 20 foot wide buffer with native noninvasive landscape screening per Section 200-18.D(2) of the Zoning Code. The Tree protection chapter requires the project meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees. The site plan should show sight distance measurements at the proposed driveway entrance on North State Road. Requirements and modifications to the lighting plan. The wetland Mitigation Plan is being reviewed. The landscape and Wetland Mitigation Plan Should bear the following note:

“All vegetation shown on the plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use of the site. All vegetation not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season.”

June 20, 2018

Additionally, the memo requires miscellaneous items regarding signage, fence detail, surfacing, vehicle turning template and application materials as specified in Section 55-6 of the Architectural Review chapter. Also for the safety of the children and others, the site plan should be revised to provide a wide, protected walkway instead of parking spaces in front of the main doors to the building.

Mr. Ciarcia provided a memo dated June 20, 2018 with the following comments:

1. Provide additional detail on how the upstream end of the 48 inch pipe will be protected.
2. Provide an evaluation of the condition of the existing 48 inch pipe.
3. A sidewalk should be added to the plans to connect the sidewalks adjacent to the property.
4. Show the location of the sewer cleanout.
5. Provide a water main wet tap detail and submit to the Village Water Department for their review.

Mr. Hoeflich urged extreme caution with the waterway coming through the pipes and into a stream at the rear of the property. Mr. Hoeflich visited the property and identified fish and frogs inside the culvert. He asked that the applicant open up the culvert and possible cover with grates so it can be partially day-lighted. He also recommended that the applicant not use salt on the parking lot in the future so as not to contaminate the wetland.

After some discussion, it was determined that the Board cannot put this type of restriction (regarding the use of salt in the winter) on a property owner or business owner. Mr. Bossinas asked for clarification on the buffer area between the residential properties and this property. He noted that the residents in the back of the property will be pleased with more of a substantial buffer.

Dr. Hougham commented on the wetland report. He urged that there are some misrepresentations throughout the report provided. The waterway is a continuous tributary to the Pocantico River. It's part of a larger wetland system that is highly functional. Dr. Hougham recommended their wetland consultant revisit and much more carefully study existing conditions. Ms. Zalantis recommended retaining the services of the Town's Wetland Consultant, Mr. Steve Coleman. The Board and Applicant were in agreement with this, Mr. Wekstein said they are going to provide a re-submission of the plans in consideration of all of the Boards comments and work on circulation of NOI.

#### **Schemmer & Santucci Subdivision and Reconfiguration of Lots, 37-41 Croton Dam Road, Subdivision Review**

The applicants were not in attendance. This item was adjourned to the next meeting of the Planning Board scheduled for July 18, 2018. Mr. Stolman prepared a memo which he will forward to the applicant by email. Copies of the memo were given to the Board.

#### **Minutes**

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Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously passed to adopt the meeting minutes of the Planning Board Meeting June 6, 2018.

#### **Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Mr. McWilliams that the meeting be adjourned to July 18, 2018.

Time noted 10:07 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: July 18, 2018**



**TOWN OF OSSINING**  
**BUILDING & PLANNING DEPARTMENT**  
**101 ROUTE 9A, P.O. Box 1166**  
**OSSINING, N. Y. 10562**  
**PHONE: (914) 762-8419 FAX: (914) 290-4656**  
**[www.townofossining.com](http://www.townofossining.com)**

**NOTICE**  
**SEQRA DECLARATION OF INTENT TO BE LEAD AGENCY**

To: Supervisor Dana Levenberg and the Ossining Town Board  
Sal Carrera, Chairman, and the Town of Ossining Zoning Board of Appeals  
Westchester County Department of Health  
Region 3, New York State Department of Environmental Conservation  
New York State Office of Parks, Recreation and Historic Preservation  
New York State Department of Health  
New York State Department of Transportation

From: Town of Ossining Planning Board

Date: August 1, 2018

Subject: **Indian Brook Water Treatment Plant - SEQRA**

The Town of Ossining Planning Board has received applications from the Village of Ossining (the "Owner" and "Applicant") for Site Plan, Wetlands Permit and Architectural Review Board Approvals for the construction of a new, larger Indian Brook Water Treatment Plant (IBWTP) on the existing IBWTP property located in the Town of Ossining (the "Proposed Action").

The subject property is located at 25 Reservoir Road/Old Albany Post Road and is identified on the Town of Ossining tax maps as Section 80.15, Block 1, Lot 1.

The Planning Board's preliminary determination is that the Proposed Action is an Unlisted action. Further, the Planning Board hereby declares its intent to serve as the Lead Agency with regard to this Proposed Action under the requirements of the New York State Environmental Quality Review Act (SEQRA).

In accordance with the provisions of SEQRA, unless you submit a written objection to the Planning Board within thirty (30) calendar days from the mailing of this notification, the Planning Board will automatically assume the role of Lead Agency.

Enclosed with this notice are Part 1 of the Full Environmental Assessment Form and the application which have been submitted by the Applicant.

Enclosures

cc: Village of Ossining  
Westchester County Department of Planning  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service  
U.S. Environmental Protection Agency



George Latimer  
County Executive

County Planning Board

August 9, 2018

Sandra Anelli, Planning and Zoning Secretary  
Town of Ossining  
P.O. Box 1166  
Ossining, NY 10562

Dear Ms. Anelli:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: **Indian Brook Water Treatment Plant — OST 18-005B**

Action: **Site Plan**

Location: **25 Reservoir Road**

We have no objection to the Town of Ossining Planning Board assuming Lead Agency status for this review.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find this to be a matter for local determination in accordance with the Town's planning and zoning policies.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:

Norma V. Drummond  
Commissioner

NVD/LH





**Department of  
Transportation**

**ANDREW M. CUOMO**  
Governor

**PAUL A. KARAS**  
Acting Commissioner

**LANCE MacMILLAN, P.E.**  
Acting Regional Director

**RECEIVED**

**AUG 30 2018**

August 23, 2018

Town of Ossining Planning Board  
101 Route 9A  
Ossining, NY 10562

Town of Ossining  
Building & Planning Department

**Re: NYSDOT SEQR #18-165  
Indian Brook Water Treatment Plant  
Indian Brook Service Road  
Village of Ossining, Westchester County**

Dear Town Planning Board:

The New York State Department of Transportation is in receipt of a transmittal, dated August 1, 2018, which includes a Lead Agency Designation Request from the Town for the referenced proposal.

The Department consents to the Town Planning Board assuming the role of Lead Agency for review of the referenced proposal.

Thank you for your interest in highway safety.

Very truly yours,

Mary McCullough  
SEQRA – HWP Unit

cc: Permit Field Engineer, Residency 8-8  
Westchester County Planning  
Village of Ossining

September 5, 2018

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 5th day of September 2018. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Marc Hoeflich, Member

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Absent: Greg McWilliams, Vice Chair

Also Present: David Stolman, Frederick P. Clark Associates, Inc.  
Katherine Zalanis, Attorney, Silverberg, Zalanis LLP  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

**Rayford Daverne & Sons, 52-1 & 52-3 Old Albany Post Road, New Homes, Architectural Review, PUBLIC HEARING CONTINUED**

Mr. John Fussell, Applicant, was in attendance. Mr. Stolman submitted a draft resolution of Architectural Review Approval, dated September 5, 2018. Mr. Fussell delivered a copy of the cross section plan at the meeting. Dr. Hougham asked Mr. Fussell if the cross section was for one lot or for both lots. Mr. Fussell noted that this is the cross section for the first lot. The home design is the same for both lots. Dr. Hougham and Mr. Fussell discussed this at length. Since there is a larger topographical slope on lot 2, Dr. Hougham asked Mr. Fussell to provide the cross sectional view of the second lot as well. Some of the items discussed at an earlier meeting were provided, however, there were still certain items such as the rear walls and the use of natural stone being proposed that the applicant was not fully in agreement with. Dr. Hougham stated will not be in favor of a vote on this resolution tonight with this issue outstanding. Mr. Hoeflich expressed concerns with the proposed retaining wall. Mr. Hoeflich gave Mr. Fussell architectural graphic standards specification sheets on retaining wall construction.

Mr. Ciarcia noted that the retaining wall will require an additional building permit. Signed and sealed drawings of that wall will be required. Mr. Bossinas noted that the retaining wall is a building department issue between Mr. Fussell's Engineer and the Building Inspector. This issue came up that the retaining wall in one corner could be up to 18 feet in height. Mr. Ciarcia identified some discrepancy with the topographical elevations. Mr. Fussell discussed this discrepancy with the Board.

Mr. Stolman noted that there are some items listed in the resolution that are still needed. Mr. Fussell said he would contact his engineer in the morning to get this done right away. Mr. Fussell said he will bring his engineer to the next meeting to speak on his behalf.

Mr. Chin asked if there was anyone from the public to speak on this application. There were none. A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich and unanimously passed to adjourn the public hearing to October 3, 2018.

**Village of Ossining, Water Treatment Plant, 25 Reservoir Road, Site Plan – PUBLIC HEARING CONTINUED**

Mr. Chin opened the public hearing at 7:50 p.m. Mr. Paul Fraioli, Director of Public Works & Engineer Village of Ossining, Mr. Andrew Tiess, Superintendent of Water/Sewer Village of Ossining along with their Consulting Engineers from Hazen and Sawyer, Mr. David Braun, Project Engineer, Mr. Michael Broder, Project Manager were in attendance. Mr. Fraioli also introduced Ms. Ruby Wells, who will be discussing their grant application for the facility.

Mr. Braun provided the landscape plan to the board. They are proposing a substantial amount of tree restitution on site and also proposing additional trees and tree restitution off site. Mr. Hoeflich suggested instead of planting grass on the slope of the property to use moss instead grass. Mr. Braun said they can take that under advisement but some slope areas need to be grass. Mr. Braun presented a color rendering of the building. He did note that the color rendering looks a lot brighter than the natural color. The Board suggested the darker brown earth tones.

Mr. Hoeflich raised concerns with fire protection and recommended fire sprinklers. Mr. Braun described to the Board how this item is handled in this type of facility. Mr. Braun noted that they have consulted with the Fire Department on this matter.

September 5, 2018

Mr. Braun stated they received a letter from NYS DEC on Friday, August 31, 2018. He has revised all of the related documents, the EAF and the Negative Declaration document. Mr. Braun provided a copy of the NYS DEC letter to the Board at the meeting. There are two items noted in the letter that describe why this application is a Type I Action rather than an Unlisted Action under SEQRA. One item that changes the status from Unlisted Action to Type I Action is because the site is adjacent to the Old Croton Aqueduct which is on the National Register of Historic Places. Mr. Braun read his amendments to the Negative Declaration into the record.

**Mr. Braun:** For the record, there is a notice of determination of non-significance under the State Environmental Quality Review Act.

First that is has changed from an Unlisted Action to a Type I Action under SEQRA. The second item is threatened, endangered and species of special concern: The New York Natural Heritage Program (NHP) was consulted in 2017 to obtain a list of flora and fauna that are protected by state or federal rules and regulations. On June 12, 2017, NHP provided a response that there were no records of rare or state-listed animals or plants, or significant natural communities at the project site, and did not report them to be in the project vicinity. Additionally, the United States Fish and Wildlife Services' (USFWS) Information for Planning and Conservation (IPaC) online tool was queried for a list of federally protected species that have the potential to occur in the proposed project area. The species reported from IPaC include the Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*). More recently, according to correspondence received from the New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Permits, Region 3, on August 31, 2018, the site is located within or near record(s) of bald eagles and/or their habitat. Prior to construction, NYSDEC would be contacted to determine if any new records of bald eagles are present in the vicinity of the project site. Should a bald eagle nest (or nests) be identified or observed during construction, all work within a 660-foot buffer area of the nest(s) would immediately halted. At that time, coordination with USFWS would be initiated to implement measures to ensure that the bald eagle nest in the project area would not be impacted due to the IBWTP project, in accordance with all applicable bald eagle management regulations. Bald eagle management regulations include the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, as well as recommendations from the USFWS National Bald Eagle Management Guidelines. The results of habitat assessments performed found potential suitable habitat for the two species of bat.

The Board was in agreement and accepts these changes. Mr. Stolman will amend the Negative Declaration to reflect these items. Ms. Wells thanked Mr. Stolman and the Board and emphasized the importance of the grant which will benefit both the Town and Village of Ossining for many years to come. At this time, Mr. Chin asked if there were questions or concerns from anyone in the audience. There were none.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich, and it was unanimously passed by the Planning Board to **Accept Lead Agency Status under SEQRA for the Indian Brook Water Treatment Plant.**

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and it was unanimously passed by the Planning Board to adopt a **Negative Declaration under SEQRA for the Indian Brook Water Treatment Plant, as amended, September 5, 2018.**

**NEW INDIAN BROOK WATER TREATMENT PLANT  
ATTACHMENT TO PART 3 - NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE  
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

**Conclusion:** The Town of Ossining Planning Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Reasons Supporting This Determination:**

1. *The Proposed Action will not have a significant adverse environmental impact with respect to construction on, or physical alteration of, the land surface of the Site.*

In the future with the proposed Project, the existing land use and development characteristics surrounding the Site are not anticipated to change. In the future with the Project, to accommodate construction, trees and vegetation would be cleared and the land would be graded to establish a staging area for the proposed IBWTP construction. Approximately 860 cubic yards (CY) of material is proposed to be removed from the Site over the course of three to six months for the construction of the facility in addition to small amounts to be removed from the Site due to possible contamination.

Approximately 3.6 acres of land would be cleared to support construction of the proposed IBWTP. The cleared land would consist of mowed lawn (approximately 1.35 acres) and forested area (approximately 1.46 acres). There is also a small wetland within the forested area (approximately 0.14 acres) that would be permanently disturbed. Disturbance of the watercourse buffer associated with the wetland would also occur. Following construction of the proposed IBWTP, a mitigation plan would be implemented which would restore the trees and wetland/watercourse buffer areas disturbed during the construction of the IBWTP. Land disturbance during excavation, staging and stockpile activities would be temporary in nature. Following construction, areas that were temporarily disturbed would be restored.

Operation of the proposed Project would be consistent with the existing land use designation of water supply land and would not affect the adjacent single-family residential land use nor other land uses surrounding the Project area. The proposed Project would not physically displace existing land uses or alter existing land uses within the Project area. In addition, physical features of the land would not be altered during operation of the proposed IBWTP.

2. *The Proposed Action will not have a significant adverse environmental impact with respect to, or with respect to access to, any unique or unusual land forms.*

There are no unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, caves) on the Project Site that would be impacted during construction or operation. The proposed Project

will not physically alter or disturb any unique or unusual land forms.

3. *The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).*

The United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps and New York State Department of Environmental Conservation (NYSDEC) freshwater wetlands maps were consulted to determine the potential for wetlands to occur and to identify previously surveyed wetlands. The analysis determined that NYSDEC freshwater wetlands and other regulated waterways do not occur at the Project Site; however, the inlet and outlet to the Indian Brook Reservoir are NYSDEC Class A and C streams, respectively. USFWS NWI mapping shows open water (PUB) and palustrine wetlands, which include emergent (PEM) and unconsolidated shore (PUS) types, associated with the Indian Brook Reservoir. However, NWI mapped wetlands do not occur within the Project area. Following the evaluation, natural resources investigations were conducted at the proposed Project Site to identify and delineate them. A small wetland, Wetland OW-1, was identified within the forested area located in the northwest corner of the Project Site.

Wetland OW-1 is a shallow emergent marsh wetland that is approximately 0.14 acres in size. There is an approximately 0.93-acre buffer area associated with Wetland OW-1. This wetland is hydrologically fed by a hillside spring/seep located downslope of an existing Pump Station near the entrance to the Site as observed in the field. Wetland OW-1 and its associated buffer area are regulated by the Town of Ossining.

In the future without the proposed Project, it is anticipated that Wetland OW-1 would continue to be fed by the spring/seep near the pump station with the same dominant vegetation. In the future with the proposed Project, wetland OW-1 would be permanently disturbed to facilitate construction of the proposed IBWTP. As per the Town of Ossining regulations, a mitigation plan would be implemented which would recreate the wetland and wetland/watercourse buffer areas disturbed during the construction of the proposed IBWTP at a one-to-one ratio. Compensatory mitigation for wetland and watercourse buffer impacts typically are conducted on-Site or within the same watershed, if possible.

If there is no suitable room for wetland mitigation at the construction Site of the proposed IBWTP, the Village of Ossining would need to perform an assessment of other suitable properties for potential wetland mitigation Sites. If no municipally-owned Sites are suitable, the Village of Ossining may need to purchase property to perform any required wetland mitigation. The Village is committed to finding a location for the required wetland and buffer mitigation.

To manage stormwater that would be generated on-Site from the addition of impervious areas associated with construction of the proposed IBWTP and driveway improvements, the Project would combine three different stormwater BMPs: a green roof, bioretention and

underground storage chambers. In addition, stormwater management during construction would include implementation of an erosion and sediment control plan.

4. *The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer.*

Existing local groundwater conditions are likely affected by Site conditions, such as geology, topography, and the pool level of the Indian Brook Reservoir. The portion of the Project Site in the vicinity of the proposed Plant is characterized by topsoil, fill, and loess (loose to dense brown to yellow sandy silt). Groundwater levels recorded in observation wells installed at the proposed Project Site ranged from 12.1 to 13.5 feet below ground surface (bgs).

In the future without the proposed Project, it is anticipated that groundwater levels and groundwater use would remain as under current conditions. In the future with the proposed Project, a portion of the proposed IBWTP would require excavation to approximately 16 feet bgs which would likely require dewatering during construction. The contractor would be required to follow standard dewatering procedures as specified by the NYSDEC. The limited dewatering required during construction would result in a localized lowering of groundwater elevations within the Project Site. However, this would be temporary in nature and it is not anticipated to have a significant adverse impact on groundwater elevations in the area. Groundwater quality, quantity, level and flow within the Project area would not be affected by operation of the proposed Project. The proposed Project would not result in new or additional groundwater use or have the potential to introduce contaminants to groundwater or an aquifer.

5. *The Proposed Action will not have a significant adverse environmental impact with respect to drainage or development on lands subject to flooding.*

The proposed Project Site is not located within a FEMA-mapped 100-year flood hazard zone. However, the proposed Project Site is located in an area of minimal flood hazard, mapped as Zone X. This is an area determined to be outside the 500-year flood elevation and protected by a levee from the 100-year flood elevation.

The location of the proposed IBWTP is currently undeveloped forested land and wetland and any rainfall at the Site either percolates into the ground or drains to the Wetland OW-1 and the stream located nearby (Indian Brook). In the future without the proposed Project, it is anticipated that stormwater would continue to flow to these locations. In the future with the proposed Project, grading and earthwork would occur at the Project Site that would alter existing drainage patterns. However, drainage improvements that are part of the proposed Project include installation of stormwater BMPs (a green roof, bioretention and underground storage chambers) to properly manage stormwater runoff on the Project Site and maintain

pre-construction conditions. As a result, stormwater flows would comply with the NYSDEC Stormwater Management Design Manual and would not lead to on-Site flooding. Since the proposed Project is not located within a flood hazard zone and stormwater runoff would be controlled to pre-construction conditions, the proposed Project would not change flood water flows within or adjacent to the Project area.

6. *The Proposed Action will not have a significant adverse environmental impact with respect to any State regulated air emission source.*

Under the Clean Air Act (CAA), the United States Environmental Protection Agency (USEPA) established National Ambient Air Quality Standards (NAAQS) for six major air pollutants referred to as "criteria pollutants": carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb) on the basis of information on health and environmental effects. *Primary standards* represent the most restrictive limits, and are established to protect public health, including the health of at-risk populations, such as asthmatics, children, and the elderly. *Secondary standards* set limits to protect the public welfare, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

New York State has adopted the NAAQS as State ambient air quality standards, and in addition, there are New York State Ambient Air Quality Standards (NYSAAQS) for total suspended particulate matter (TSP), settleable particles, non-methane hydrocarbons (NMHC), and ozone, corresponding to Federal standards that have since been revoked or replaced. There are also NYSAAQS for beryllium (Be), fluoride (F), and hydrogen sulfide (H<sub>2</sub>S).

In the future without the proposed Project, it is anticipated that air emissions would continue to be those generated by the existing IBWTP (emissions associated with routine truck traffic for chemical deliveries and solids hauling, and the exercising of the emergency generator). In the future with the proposed Project, construction-related air emissions would be temporary and transient in nature and would cease once construction is complete. To minimize any temporary increases in air emissions during construction, the Contractor would be required to reduce pollutant emissions during construction in accordance with all applicable laws and regulations. Operation of the proposed IBWTP would be similar to that of the existing IBWTP. Air emissions associated with water treatment would include routine truck traffic for chemical deliveries and solids hauling, and for exercising the emergency generator.

In addition, the proposed Project would include a dust control management plan and the implementation of other mitigation measures. Based on the temporary and transient nature of the construction activities during the Project, the fugitive dust and emission control measures to be applied, and the distance to the nearest residential receptor (approximately 270 feet), the construction activities associated with the proposed Project are not anticipated

to result in significant adverse impacts to air quality near the Site. Operation of the proposed IBWTP would be like that of the existing plant and no new sources of air emissions would be anticipated.

7. *The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.*

#### Ecological Communities

The two main upland habitats within the Project area can be classified as oak-tulip tree forest and mowed lawn. The oak-tulip tree forest is located in the western portion of the Project Site. The mowed lawn area is associated primarily with the existing IBWTP in the northeast portion of the proposed Project area. A small shallow emergent marsh wetland (OW-1) is located in the northwest corner of the Project Site. The remainder of the Project area contains paved road and existing IBWTP infrastructure.

In the future without the proposed Project, it is anticipated that ecological communities on-Site would remain the same as under existing conditions. In the future with the proposed Project, approximately 1.46 acres of oak tulip tree forest would be cleared to facilitate construction of the proposed IBWTP. The proposed Project would result in the clearing of approximately 81 trees ranging in size from 6 to 40-inch diameter at breast height (dbh).

The Town of Ossining Tree Protection chapter requires the replacement of 50 percent of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement. A tree restitution plan for the proposed Project would be developed to meet this requirement. The tree restitution plan would include on-Site tree replacements to the extent practicable supplemented with off-Site tree plantings. The tree restitution plan would include detailed specifications for the maintenance of the replanted trees and include guarantees that would provide for the replacement of any replanted trees that do not survive or exhibit poor growth over a specified period of time. This would ensure the long-term success of the restoration. Payment of a fee to the tree bank fund may also be made to satisfy the tree replacement requirement.

In addition, approximately 0.14 acres of shallow emergent marsh wetland habitat would be filled and approximately 0.93 acres of wetland and watercourse buffer associated with the shallow emergent marsh would be cleared for construction of the proposed IBWTP. The Town of Ossining Freshwater Wetlands, Watercourses and Waterbody Protection chapter allows for mitigation for unavoidable losses of wetlands and wetland/watercourse buffer areas at a 1:1 replacement ratio. A Wetland and Watercourse Buffer Mitigation Plan for the proposed Project would be developed to meet these requirements, which would include an on-Site mitigation plan if post-construction Site constraints (e.g., size requirements and drainage conditions) allow. If on-Site mitigation is not feasible, an off-Site mitigation plan



would be developed within the same drainage basin affected by the proposed Project, which would provide similar ecological characteristics and function as the impacted wetland. Detailed specifications for the installation and maintenance of the mitigation area would be developed to ensure its long-term success. A monitoring plan would also be implemented to ensure that the elements of the mitigation plan and any permit conditions have been met. If off-Site mitigation is required, contribution to a Town Board-adopted drainage basin and/or wetland improvement plan may be considered by the Town to satisfy the mitigation requirement.

The forested land and wetland/watercourse buffer area to be cleared for the proposed Project consists of common habitat types in the area and are not characterized as significant natural communities or known to contain any protected species. The proposed tree restitution and Wetland and Watercourse Buffer Mitigation Plans would restore the tree cover and wetland/watercourse buffer lost due to the proposed Project.

#### Wildlife

During natural resource field investigations conducted as part of Project design, limited wildlife was observed. Signs of white-tailed deer (*Odocoileus virginianus*) via scat was evident throughout the Site and eastern chipmunk (*Tamias striatus*), eastern gray squirrel (*Sciurus carolinensis*), and wild turkey (*Meleagris gallopavo*) were observed. No other mammals were observed, although it would be expected that common mammals in Westchester County such as striped skunk (*Mephitis mephitis*), red fox (*Vulpes vulpes*), white-footed mouse (*Peromyscus leucopus*), little brown bat (*Myotis lucifugus*), and raccoon (*Procyon lotor*), among others, utilize the forested habitat present in the Project area (NYSDEC, 2018). Common birds to the area such as American robin (*Turdus migratorius*), wood thrush (*Hylocichla mustelina*), and blue jay (*Cyanocitta cristata*) were observed during the field investigations. An eastern box turtle (*Terrapene carolina*) was observed in the small wetland associated with the forested portion of the Project Site (Wetland OW-1). The eastern box turtle is not Federally protected, but is designated as a species of special concern in New York State.

The Project area is located at the western edge of large tracts of undeveloped forested habitat. In the future without the proposed Project it is anticipated the type and number of wildlife would be the same as under existing conditions. In the future with the proposed Project, 1.46 acres of forest habitat would be lost to support construction, which would not constitute a significant portion of the forested habitat present in the area and is not anticipated to affect the regional populations of any the species mentioned above. The tree clearing would occur during the winter months when migrating birds are not present in the area. The potential change in the hydrology of the small wetland that currently exists on-Site may affect the use of this area by amphibians. However, the wetland is somewhat degraded due to the

presence of invasive vegetation and no amphibians were observed during the natural resource investigations. The proposed Wetland and Watercourse Buffer Mitigation Plan would recreate the wetland and wetland/watercourse buffer habitat lost due to the proposed Project with higher quality habitat. In addition, a tree restitution plan would replace some of the lost trees on-Site. The surrounding area would remain wooded.

#### Aquatic Resources

There are no aquatic habitats within the proposed Project area. Therefore, no fish or benthic invertebrates occur within the proposed construction footprint. However, Indian Brook, which is tributary to the Croton River, lies to the north of the proposed IBWTP. In the future without the proposed Project, stormwater would continue to flow from the Site to Indian Brook and ultimately the Croton River. In the future with the proposed Project, direct impacts to waterways or wetlands within the limit of disturbance would be minimized to the maximum extent practicable through the implementation and use of construction BMPs. Following construction, the quality and quantity of stormwater generated on-Site would be the same as under existing conditions using a green roof, bioretention and underground storage chambers. This would maintain the existing quality of Indian Brook, allowing it to continue to support the same aquatic resources as under existing conditions.

#### Threatened, Endangered and Species of Special Concern

The New York Natural Heritage Program (NHP) was consulted in 2017 to obtain a list of flora and fauna that are protected by state or federal rules and regulations. On June 12, 2017, NHP provided a response that there were no records of rare or state-listed animals or plants, or significant natural communities at the project site, and did not report them to be in the project vicinity. Additionally, the United States Fish and Wildlife Services' (USFWS) Information for Planning and Conservation (IPaC) online tool was queried for a list of federally protected species that have the potential to occur in the proposed project area. The species reported from IPaC include the Indiana bat (*Myotis sodalis*) and Northern long-eared bat (*Myotis septentrionalis*). More recently, according to correspondence received from the New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Permits, Region 3, on August 31, 2018, the site is located within or near record(s) of bald eagles and/or their habitat. Prior to construction, NYSDEC would be contacted to determine if any new records of bald eagles are present in the vicinity of the project site.

Should a bald eagle nest (or nests) be identified or observed during construction, all work within a 660-foot buffer area of the nest(s) would immediately halt. At that time, coordination with USFWS would be initiated to implement measures to ensure that the bald eagle nest in the project area would not be impacted due to the IBWTP project, in accordance with all applicable bald eagle management regulations. Bald eagle management regulations include

the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, as well as recommendations from the USFWS National Bald Eagle Management Guidelines.

The results of habitat assessments performed found potential suitable habitat for the two species of bat. Suitable habitat for Indiana and northern long-eared bats consists of trees of a certain minimum diameter at breast height (dbh) that contain exfoliating bark, cracks, or crevices, and that optimally have good solar exposure. The cracks in the bark are used by the bats for daytime roosting during the summer months. The minimum dbh required for Indiana bats is 5-inches and the minimum dbh required for northern long-eared bats is 2.5-inches (USFWS, 2016). During the habitat assessments, numerous trees with suitable bark characteristics were identified in the proposed Project area.

In the future without the proposed Project, these trees would remain on-Site and could serve as suitable habitat for Indiana and Northern long-eared bats. In the future with the proposed Project, construction of the proposed IBWTP would result in the clearing of approximately 1.46 acres of forested land that contains potential suitable habitat for Indiana and northern long-eared bats. Indiana bats and northern long-eared bats are active during the summer months in forested areas; however, in the fall and winter months they return to communal hibernacula to hibernate through the winter. Hibernacula for these species are typically caves/mines. To avoid directly affecting protected species of bats, the Village of Ossining would commit to clearing forested habitat only during the USFWS-approved window of October 1 to March 31. During the summer roosting months, no tree clearing would occur. During construction, it is anticipated that the habitat near the Project Site would be indirectly affected by noise and therefore additional habitat would be temporarily unsuitable for summer roosting. Upon completion of the proposed Project, the surrounding habitat would be free of construction noise and would again be viable for summer roosting.

There are also large tracts of undeveloped forested land to the east of Indian Brook Reservoir that provide ample roosting habitat during the construction period. Following construction, the Village would initiate a tree restitution plan as described in this section and noise levels would return to existing conditions. Therefore, the proposed Project would not result in significant adverse impacts to either Indian bat or Northern long-eared bat or their habitat. No other threatened or endangered species are identified as having the potential to be on or use the Project Site.

8. *The Proposed Action will not have a significant adverse environmental impact on agricultural resources.*

Based on a review of land use and zoning plans for the Village and Town of Ossining, no agricultural resources were identified on or adjacent to the Project Site.

9. *The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.*

The proposed Project Site is located on Village property in a remote location that is currently surrounded by moderately dense forest and vegetation where observation of the Site is largely obstructed from the public's view. The exception are homes to the north of the Project Site on Kelly Court and Applegate Way, some of which are situated on a hill with views of the Indian Brook Reservoir and Project Site.

In the future without the proposed Project, views of the existing IBWTP and Indian Brook Reservoir would be the same as under existing conditions. In the future with the proposed Project, the IBWTP would be partially visible from residents on Kelly Court and Applegate Way. However, the moderately wooded area surrounding the proposed Project Site would partially obstruct views of the construction Site during the spring, summer, and fall months and partially during the winter months. In addition, construction activities associated with the proposed Project would be temporary in nature. As part of the proposed Project, a large white bubble-style cover over the existing sedimentation tanks adjacent to the existing IBWTP would be removed, the tanks would be demolished, and the area replanted with grass. This would improve views of the reservoir from residential properties. The proposed IBWTP would be located on the property, 200 feet southwest from the existing IBWTP and would be of similar construction to the existing IBWTP. In addition, one of the stormwater management BMPs is a green roof. The presence of the roof would mimic more natural conditions and would mitigate views changed by the loss of forested areas in that portion of the Project Site.

The proposed Project is not located within a scenic vista, nor along a designated scenic roadway. As a result, no scenic vistas, roadways, or other resources would be affected. Following construction, areas that have been temporarily disturbed would be restored. This would include reforestation efforts and wetland mitigation that, over time, would further screen views of the proposed IBWTP. The existing sedimentation tanks and cover would be removed, and a green roof would be installed on the proposed IBWTP, enhancing views that include the Project Site.

10. *The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources.*

To verify the potential presence or absence of historic and archaeological resources within the Project Site, online resources were reviewed at the New York State Office of Parks Recreation and Historic Preservation (NYSOPRHP) website. The Village prepared and submitted a Project Review Cover Form and submission packet requesting comments from the NYSOPRHP in accordance with the Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. After its review, which was conducted in accordance with Section 106 of the National Historic Preservation Act and relevant

implementing regulations, NYSOPRHP identified the Old Croton Aqueduct, which runs along the western edge of the Project Site, as a State Historic Park and a National Historic Landmark listed on the National Register (90NR02435). Areas containing potential archeological resources were not identified on-Site.

In the future without the proposed Project, the Old Croton Aqueduct would remain undisturbed adjacent to the Project Site. In the future with the proposed Project, the Old Croton Aqueduct could be disturbed during construction activities. Therefore, a Construction Protection Plan would be submitted to NYSOPRHP for approval. The plan would document proposed measures to avoid any effect to this historic property due to the proximity of proposed construction activities. Operation of the proposed IBWTP would be like that of the existing IBWTP and the Old Croton Aqueduct would continue to be the primary source of water for the plant and would remain undisturbed.

11. *The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource as designated in any adopted municipal open space plan.*

The Indian Brook Reservoir and its immediate shoreline are designated Open Space Water Supply Lands and are adjacent to the proposed Project Site. Additionally, the Old Croton Aqueduct, a State Historic Park, is a State Parkland designated open space approximately 300 feet west of the proposed Project Site. In the future without the proposed Project, these open space resources would continue to serve the area surrounding the existing IBWTP. In the future with the proposed Project, construction activities would introduce some activity near these resources.

Construction of the proposed Project would be approximately three years, and while slightly increased noise levels may be audible from the Indian Brook Reservoir and immediate shoreline near the Project Site, they would not impact the Indian Brook Reservoir. A Construction Protection Plan would be in place to prevent damage to the Old Croton Aqueduct. Following construction, operation of the proposed IBWTP would be the same as under existing conditions. All existing open space and recreational opportunities, both public and private, would continue to serve the surrounding communities during construction and operation.

12. *The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental area (CEA).*

The proposed Project Site is not within a designated CEA, but is located adjacent to the Indian Brook Reservoir, which is a designated CEA. This Indian Brook Reservoir CEA was established in 1990 by the Westchester County due to its exceptional or unique character. It is likely that the CEA was designated in part to support protection of the Village's reservoir

from excessive development of surrounding lands and activities that would degrade water quality.

In the future without the proposed Project, the existing IBWTP would continue to operate adjacent to the Indian Brook Reservoir CEA. In the future with the proposed Project, all construction activities would take place downstream of the Indian Brook Reservoir and would not otherwise affect the resource. Operation of the proposed IBWTP would be the same as the existing IBWTP and no change in the amount of water withdrawn from the reservoir is planned as part of the proposed Project.

13. *The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.*

To support the analysis, the Annual Average Daily Traffic (AADT) was reviewed for Ryder Road, approximately 2 miles southeast of the Project Site, by the Westchester County Department of Public Works and Transportation (DPW&T). Ryder Road is the closest local road where such traffic count data is available. The weekly averages from the traffic count performed at Ryder Road indicate that the daily traffic peaks occur between the hours of 7AM to 9AM and 3PM to 5PM. Additionally, the New York State Department of Transportation (NYSDOT) performs AADTs on State roadways. The weekly averages from the traffic count performed on NY Route 9A, approximately 0.40 miles from the IBWTP, indicate the daily traffic peaks occur between the hours of 7AM to 9AM and 4PM to 6PM.

Access to the Project Site is currently from Fowler Avenue via the existing plant driveway for facility operations and the proposed construction activities. An existing 14-foot wide driveway is currently being utilized to access the existing IBWTP. As part of the proposed Project, the driveway would be expanded by 10 feet to a 24-foot wide, two-way driveway. Fowler Avenue is a narrow two-lane, paved, suburban road and the posted speed limit in the Project area is assumed to be 30 miles per hour (mph). Residential and wooded areas generally border Fowler Avenue in the Project area. There is no public transportation to or from the Project Site or in the immediate vicinity of the proposed Project. There is little to no pedestrian activity in the immediate vicinity of the proposed Project Site (there are no sidewalks on Fowler Avenue). Under current operations, Village employees access the Project Site daily with Village-owned vehicles to perform various maintenance and operation activities.

In the future without the proposed Project, traffic in the Project area would remain the same as under existing conditions. In the future with the proposed Project, construction would result in additional vehicle trips for the transportation of work crews and construction materials and equipment to and from the Project Site during construction hours (approximately 7 AM to 3 PM). It is anticipated there would be an average of 15 worker vehicles per day and approximately 5 truck trips per day to support construction activities. All Project-related traffic is expected to access the Project Site via Fowler Avenue from the southwest. For the

purposes of this evaluation, the peak Project-generated traffic hour is assumed to coincide with typical construction hours for employee vehicles entering the Site, which may coincide with some of the peak hour traffic volume in the area.

Following construction, temporary construction-generated traffic would cease. The traffic pattern would return to pre-construction traffic conditions relating to operation of the proposed IBWTP which would be the same as traffic generated to support operation of the existing IBWTP. The Project would not generate demands for public parking or transportation or increase pedestrian activity within the Project area.

14. *The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.*

Electrical power is currently provided to existing IBWTP at the Project Site and surrounding local residential and commercial users by Consolidated Edison (Con Ed). The existing IBWTP is served by a three-phase underground primary electrical service that originates from a 15kV overhead distribution owned by Con Edison, entering the facility at the front entrance along the adjacent service road. The utility feed transitions from overhead to a primary manhole located between the main gate to the Site and the existing IBWTP. There is also an existing 1,000 kW diesel generator located on-Site.

In the future without the proposed Project, energy use by the existing IBWTP would not be anticipated to change from existing conditions. In the future with the proposed Project, construction would require the use of fossil fuels (primarily gas, diesel, and motor oil) for a variety of activities, including excavation, grading, demolition, generator use, and vehicle travel. Direct energy use would also include the use of electricity required to power construction equipment (e.g., electric power tools).

The proposed IBWTP would be designed to meet energy efficiency standards and requirements including New York State Adapted 2015 International Energy Conservation Code (IECC) and ASHRAE 90.1. Continuous insulation would be provided to meet required thermal insulation values in walls and the roof. Doors and windows would be specified to meet required energy efficiency criteria. While the treatment process at the proposed IBWTP would be slightly different than that at the existing IBWTP, the annual operational energy use is anticipated to be similar to existing conditions. The proposed IBWTP includes installation of a new generator that is the same size as the one on-Site. The existing generator would be removed from service. There is sufficient capacity in the electrical service provided by Con Ed to power the proposed IBWTP and the proposed Project would not include activities designed to generate electricity.

While there may be increased energy use on-Site to support construction, these activities are temporary nature and sufficient capacity of on-Site electrical service to support

construction and operation of the IBWTP exists.

15. *The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.*

#### Noise

In the future without the proposed Project, it is anticipated noise levels would continue to be those generated by the existing IBWTP (noise associated with routine truck traffic for chemical deliveries and solids hauling, and for exercising the emergency generator). In the future with the proposed Project, construction-related noise levels would increase but be temporary in nature and would cease once construction is complete. Any building or construction activity, including the clearing and removal of trees or other Site preparation work, which is audible outside of a building or structure is permitted only between the hours of 8:00 AM and 8:00 PM on weekdays (except holidays) and between the hours of 9:00 AM and 5:00 PM on Saturdays, Sundays and holidays (Westchester County, Town of Ossining, Municipal Code Chapter 130-6). These restrictions would be included in the Project specifications and adhered to by the contractor for construction activities. Post-construction noise levels around the proposed IBWTP are expected to return to those generated by the existing IBWTP (noise associated with routine truck traffic for chemical deliveries and solids hauling, and for exercising the emergency generator).

#### Odors

The proposed Project may generate incremental increases in odor from vehicles and equipment (e.g., diesel fumes) during construction. However, these construction-related incremental increases would be localized and temporary in nature. Any odors originating from operation of the proposed IBWTP would be like those generated during operation of the existing IBWTP and no increases in odors are anticipated once the Project is operational.

#### Lighting

It is not anticipated that construction activities would occur at night. Post-construction lighting around the proposed IBWTP would be utilized only during emergency maintenance activities. Lighting of the proposed IBWTP would follow all applicable codes and would be designed to be the minimum necessary to support operations, like lighting at the existing IBWTP.

16. *The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.*

To evaluate the potential presence as well as impacts of exposure to hazardous materials within the Project area, the following available online environmental databases were



searched: New York State Department of Environmental Conservation Environmental Site Remediation, Bulk Storage and Spills Incident Databases. The potential for significant impacts from hazardous materials can occur when elevated levels of hazardous materials exist on a Project Site or surrounding properties.

In addition, hazardous material impacts can occur if the proposed Project increases pathways to environmental or human exposure based on factors such as topographic and hydrological conditions on the Project Site or surrounding areas. If these factors can be ruled out, then the potential for impacts is significantly minimized. Given the topography and depth of groundwater within the Project Site (approximately between 14 and 20 feet), a 0.25 miles search radius from the edge of the property was utilized to analyze potential hazardous materials related impacts associated with the proposed Project. A review of the available NYSDEC online environmental databases was conducted to screen database listings that are located within the 0.25 miles search radius. Based on this review, eight NY Spill, and one Aboveground Storage Tank (AST) listing were identified within 0.25 mile of the Project's property boundary. Based on the review of the databases, four of the eight spills were identified in connection with the Project Site parcel. Additionally, the AST listing corresponds with the Project Site.

All the spills have been granted a regulatory case closed status, indicating that the incidents have been remediated to the satisfaction of the NYSDEC and USEPA. The NYSDEC Bulk Storage database indicates that the existing IBWTP, identified on the database as Indian Brook, is registered with one AST that has been closed/removed and one AST that has been converted to a non-regulated use.

In the future without the proposed Project, the spill Sites and storage tanks identified would continue to be present in the Project area. In the future with the proposed Project, construction activities would require the potential temporary storage and use of petroleum and other chemical products, such as diesel fuel for back-up power, lubricating oil for construction vehicles and trucks, and miscellaneous cleaning and maintenance chemicals. The Village of Ossining and its contractors would use, store and handle all materials in accordance with applicable Federal, State and local regulations and guidelines, including those relating to: Federal Spill Prevention, Control, and Countermeasures requirements; and State petroleum bulk storage, chemical bulk storage and spill reporting requirements.

Construction activities associated with the proposed Project would be short-term in nature, lasting approximately 36 months so any potential impacts from spills or releases of chemicals would pose a temporary risk. Once operational, the risk to human health would be the same as from operation of the existing IBWTP. Based on factors such as the regulatory case status, distance and/or location of identified NYSDEC and USEPA listings downgradient from the proposed Project Site, no major concern for environmental impacts are known to exist from these database listings.

Finally, the Village of Ossining has a fundamental obligation to provide drinking water to homes, businesses, schools, and institutions in its service area that complies with all provisions of the Safe Water Drinking Act created for the benefit and the safety of the public. The existing IBWTP has provided high quality water to consumers for many years, and with the proposed IBWTP, the Village of Ossining's water system is anticipated to continue to supply high quality water into the foreseeable future. The valued importance of the quality and safe drinking supply system to the Village of Ossining means that continual evaluation of the water supply and expansion of infrastructure through the proposed Project is necessary. There would be no disruption of service as the proposed IBWTP becomes operational and the existing plant is taken offline. Therefore, the proposed Project provides a public health benefit.

17. *The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans.*

#### Westchester 2025 Plan

Westchester County's Westchester 2025 Plan is a framework to help the municipalities within the County develop comprehensive plans that achieve a balance between economic and environmental concerns, while serving the future needs of these communities. The potential effects of the proposed Project are evaluated relative to compatibility with the following recommendation:

"Preserve Natural Resources: Preserve and protect the county's natural resources and environment, including its water resources (groundwater, water bodies, wetlands, coastal zones), significant land resources which include steep slopes, unique natural areas, and ridgelines and prime agricultural land. Potential impacts on these natural resources require careful consideration as part of land management and development review and approval."

Water resources identified within the proposed Project area consists of a small wetland located in the location of the proposed IBWTP. The proposed Wetland and Watercourse Buffer Mitigation Plan would recreate the wetland/watercourse buffer habitat lost due to the proposed Project. While land would be temporarily disturbed during construction of the proposed Project, areas would be restored following construction with no anticipated long-term impacts to land. Operation of the proposed Project would be the same as under existing conditions and would not alter natural resources on or adjacent to the Site.

"Maintain Utility Infrastructure: Maintain safe and environmentally sound systems and policies for the removal or treatment of waste and collection and the distribution of drinking water consistent with land use policies. Programs to reduce the waste stream, protect water quality, control and treat storm water and alleviate flooding must

be strengthened.”

The proposed Project supports the goal of supplying clean drinking water to Ossining's residents. The Project would occur on designated water supply land and comply with existing land use, zoning, transportation, economic development, and environmental policies. In addition, the proposed Project would ensure that safe and environmentally sound systems and policies that are consistent with land use policies are maintained for the collection and the distribution of drinking water. The proposed Project would not adversely affect natural resources and would support maintenance of utility infrastructure.

#### Town of Ossining Comprehensive Plan

The Town of Ossining Comprehensive Plan contains goals and objectives to help decision-makers achieve the future vision for the Town of Ossining. The potential effects of the proposed Project are evaluated relative to compatibility with the following recommended goal:

“Environmental Resources: Preserve existing open space, acquire new properties for preservation and recreation, and protect trees, water supply and watersheds, steep slopes, viewsheds, scenic resources, wildlife habitats and other significant environmental assets of the community.”

One objective of the Environmental Resources goal is to, “protect and enhance the Indian Brook Reservoir, its watershed and other natural resources....” The proposed Project directly serves to further this goal and objective.

18. *The Proposed Action will not have a significant adverse environmental impact upon the existing community character.*

The proposed IBWTP would be located on Village-owned property, approximately 200-feet southwest of the existing IBWTP and would continue to provide water supply for the Village of Ossining as under current conditions, with improved treatment and expanded capacity. The proposed Project would be consistent with the characteristics, services and land uses of the property and adjacent properties. The proposed IBWTP would have a larger footprint than the existing IBWTP; however, the moderately wooded area surrounding the proposed Project area would partially obstruct views of the construction and building during the spring, summer and fall months and partially during the winter months and as such there will be little visual change. Once operational, removal of the existing covered sedimentation tanks and installation of a green roof will improve views that include the Project Site.

Based upon this information and the information in the Full Environmental Assessment Statement, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

SEE ENVIRONMENTAL ASSESSMENT STATEMENT AND ATTACHMENT TO THIS PART 3

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

See Environmental Assessment Statement and Attachment

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Ossining Planning Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

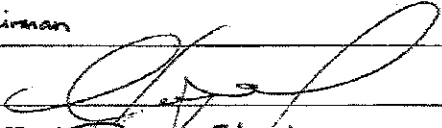
☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: New Indian Brook Water Treatment Plant


Name of Lead Agency: Town of Ossining Planning Board

Name of Responsible Officer in Lead Agency: Ching Wah Chin

Title of Responsible Officer: *Planning Board Chairman*

Signature of Responsible Officer in Lead Agency: 

Date: 9-5-18

Signature of Preparer (if different from Responsible Officer): 

Date: 9-5-18

**For Further Information:**

David H. Stolman, AICP, PP, Principal  
Frederick P. Clark Associates, Inc.

Contact Person: Sandra Anelli, Planning Board Secretary

Address: P.O. Box 1166, 101 Route 9A, Ossining, NY 10562

Telephone Number: (914) 762-8419

E-mail: [SAneelli@TownofOssining.com](mailto:SAneelli@TownofOssining.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

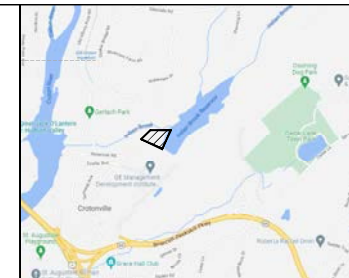
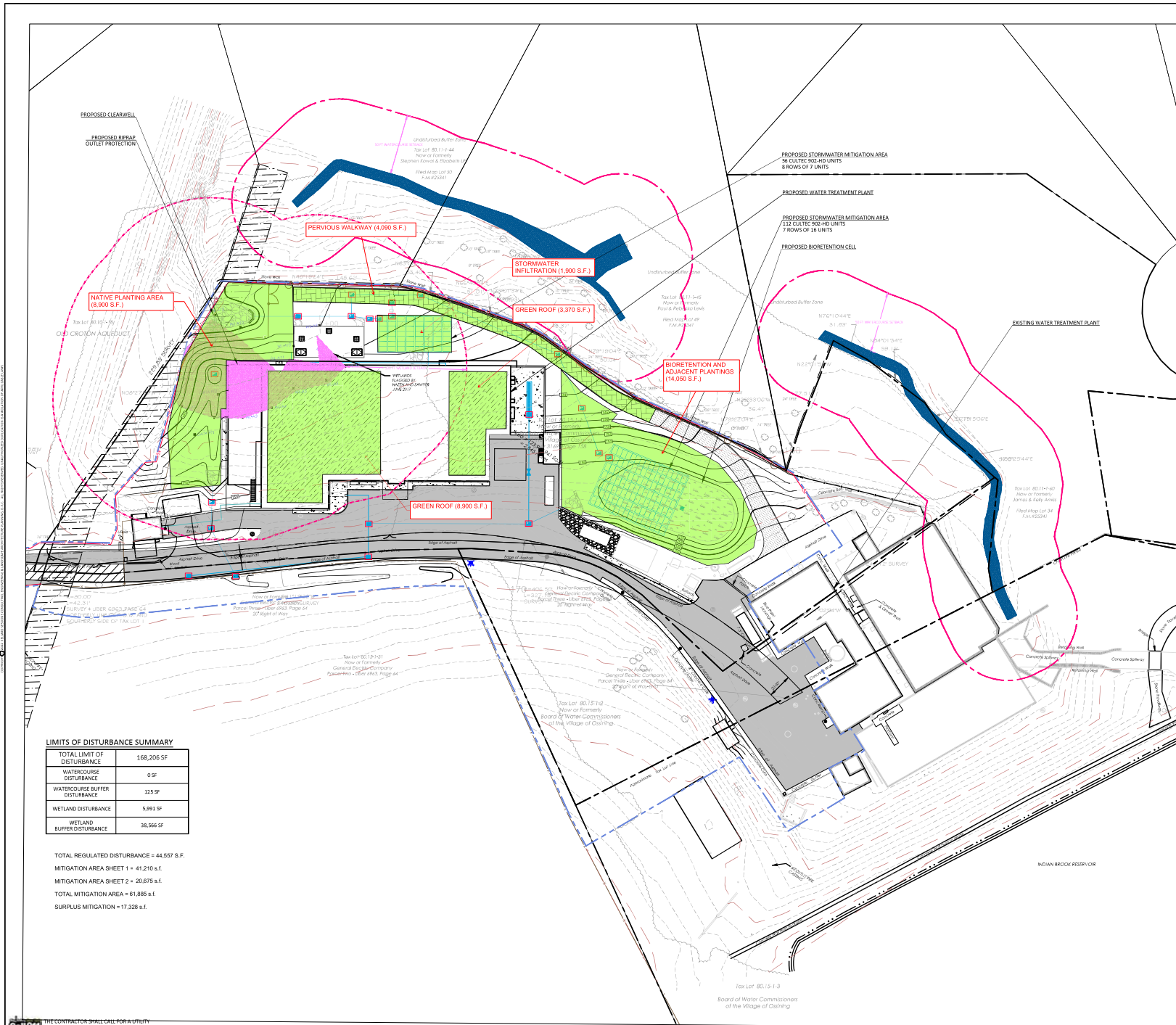
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

Attachment 5  
Conceptual Mitigation Plan  
Submitted to Town (November 2022)



**LOCATION MAP**  
NOT TO SCALE

**SITE DATA:**

OWNER: VILLAGE OF OSSINING  
PROJECT SITE: OSSINING WATER TREATMENT PLANT  
INDIAN BROOK SERVICE ROAD  
OSSINING, NY 10552

TAX MAP ID NUMBER: SECTION 80.15, BLOCK 1, LOTS 1,2,3  
LOT AREA: ± 29,836 AC (± 1,299,656 SF)

- LEGEND**
- EXISTING 2 FT CONTOUR
  - EXISTING 10 FT CONTOUR
  - VILLAGE OF OSSINING OWNED PARCEL
  - NEIGHBORING PROPERTY LINE
  - EXISTING BUILDING
  - EXISTING WETLAND
  - EXISTING WATERCOURSE
  - EXISTING WETLAND/WATERCOURSE SETBACK
  - PROPOSED BUILDING
  - PROPOSED 2 FT CONTOUR
  - PROPOSED 10 FT CONTOUR
  - PROPOSED STORM DRAIN
  - PROPOSED LIMITS OF DISTURBANCE
  - PROPOSED DRAIN INLET
  - PROPOSED RIP RAP APRON
  - TEMPORARY SILT FENCE



**LIMITS OF DISTURBANCE SUMMARY**

|                                |            |
|--------------------------------|------------|
| TOTAL LIMIT OF DISTURBANCE     | 168,206 SF |
| WATERCOURSE DISTURBANCE        | 0 SF       |
| WATERCOURSE BUFFER DISTURBANCE | 125 SF     |
| WETLAND DISTURBANCE            | 5,991 SF   |
| WETLAND BUFFER DISTURBANCE     | 38,566 SF  |

TOTAL REGULATED DISTURBANCE = 44,557 S.F.  
MITIGATION AREA SHEET 1 = 41,210 s.f.  
MITIGATION AREA SHEET 2 = 20,675 s.f.  
TOTAL MITIGATION AREA = 61,885 s.f.  
SURPLUS MITIGATION = 17,328 s.f.

**OVERALL SITE PLAN**

**INDIAN BROOK WATER TREATMENT PLANT**

TOWN OF OSSINING

CONSULTING ENGINEERING  
KELLARD SESSIONS  
LANDSCAPE ARCHITECTURE  
PLANNING, D.P.C.

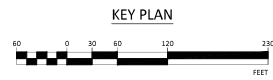
380 MAIN STREET  
JACKSON, N.Y. 10466  
P: (914) 274-0100  
F: (914) 274-0109  
WWW.KELLARDS.COM

PROJECT NO. 1  
DATE: OCTOBER 11, 2022

REVISIONS

**Call 811**  
THE CONTRACTOR SHALL CALL FOR A UTILITY MARK-OUT AT LEAST 2 DAYS BUT NO MORE THAN 10 DAYS PRIOR TO ANY EXCAVATION.







Attachment 6

Town Architectural and Tree Removal  
Resolutions

PLANNING BOARD  
TOWN OF OSSINING, NEW YORK

INDIAN BROOK WATER TREATMENT PLANT  
RESOLUTION OF TREE REMOVAL PERMIT APPROVAL

WHEREAS, the Town of Ossining Planning Board has received applications from the Village of Ossining (the "Owner" and "Applicant") for Site Plan, Wetlands Permit, Tree Removal Permit and Architectural Review Board Approvals for the construction of a new, larger Indian Brook Water Treatment Plant (IBWTP) on the existing IBWTP property located in the Town of Ossining (the "Project" or "Proposed Action"); and

WHEREAS, the subject property is located at 25 Reservoir Road/Old Albany Post Road, is identified on the Town of Ossining tax maps as Section 80.15, Block 1, Lot 1, and is located in the R-30 One-Family Residence zoning district (the "Site" or "Subject Property"); and

WHEREAS, the Applicant has submitted an Application for Planning Board form dated June 1, 2018; an "Environmental Assessment Statement" containing a Full Environmental Assessment Form dated September 2018; and the following plans generally entitled, "Indian Brook Water Treatment Plant, Village of Ossining, New York," prepared by Hazen and Sawyer and dated July 2018 unless otherwise noted:

1. C-02, "Civil, Overall Site Plan."
2. C-06, "Civil, Site Plan, Sheet 1 of 3."
3. C-07, "Civil, Site Plan, Sheet 2 of 3."
4. C-08, "Civil, Site Plan, Sheet 3 of 3."
5. A-13, "Architecture, Treatment Building, Building Elevations – Sheet 1 of 2."
6. A-14, "Architecture, Treatment Building, Building Elevations – Sheet 2 of 2."
7. A-15, "Architecture, Treatment Building, Canopy and Vestibule Details."
8. A-20, "Architecture, Potassium Permanganate Building Elevations."
9. L-01, "Landscape Plan."
10. L-02, "Landscape Details;" and

WHEREAS, the Applicant has also submitted the following set of architectural renderings generally entitled "Indian Brook Treatment Plant," prepared by Hazen and Sawyer and undated:

1. "Entry Gate Rendering."
2. "3D Facility Entry."
3. "Elevations."
4. "Elevations;" and

WHEREAS, the Planning Board is familiar with the Subject Property and the general vicinity of the Subject Property; and

WHEREAS, the Planning Board has reviewed the application for Tree Removal Permit Approval in accordance with the Town of Ossining development regulations, in particular with Chapter 183, Tree Protection, of the Code of the Town of Ossining; and

WHEREAS, a public hearing was opened on August 1, 2018 and closed on December 5, 2018 at which time all persons interested were given an opportunity to be heard; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), and based upon the review of the Environmental Assessment Statement and all of the application materials that have been submitted for this action, the Planning Board issued a Negative Declaration on September 5, 2018 thereby finding that this Project will have no significant adverse impact.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board taking into account the purpose and findings set forth in Section 183-2 of the Tree Protection Chapter of the Town of Ossining Code, hereby finds that:

1. The proposed tree removal is consistent with the purpose and findings of the Tree Protection chapter of the Town of Ossining Code.
2. The proposed tree removal will not have a deleterious effect on the health, safety or general welfare of the residents of the Town of Ossining or its neighboring communities.
3. The physical condition of the tree(s) proposed for removal (species, size and health) have been identified with regard to their relative value of preservation.
4. The disturbance will not negatively affect any ecological systems, or the relationship to the surrounding vegetation and habitat, and will not create potential for erosion or sedimentation.
5. The disturbance or removal of existing vegetation will not negatively affect the historical context or the scenic resources of the surrounding community.
6. The disturbance or removal of existing vegetation due to utility placement will not negatively affect, spoil the symmetry, or otherwise mar the appearance of a tree or trees, other than those proposed to be removed.
7. The proposed tree removal will have adequate safeguards for the protection and preservation of the environment.

8. There are no practicable alternatives to the tree removal; and

BE IT FURTHER RESOLVED, that the Project, as shown on the above mentioned drawings, is hereby granted Tree Removal Permit Approval subject to the following conditions and modifications and any other requirements which must be met by law:

- A. No tree removal shall take place on the Site until the following condition has been fulfilled:

The Building Inspector must be satisfied that the trees which have been approved to be taken down have clearly been marked as such in the field and that the trees which shall be preserved are sufficiently protected.

- B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy for the Project by the Building Inspector:

1. The Applicant shall submit a tree replacement plan, program and/or fee which meets the satisfaction of the Planning Board (and Town Board if necessary) and which fulfills Section 183-12.G of the Tree Protection chapter which states:

"G. In connection with all subdivision and site plan applications, the project shall meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement. Tree replacement shall be required on site unless the approving authority determines that, because of site constraints, it is impracticable or impossible to fully meet this mitigation requirement on site. In such case, upon the establishment of a tree bank and/or a tree bank fund by resolution of the Town Board, the approving authority may consider the off-site mitigation of planting in the tree bank or the payment of a fee to the tree bank fund to satisfy the unmet portion of the tree replacement requirement. Implementation of any off-site planting plan shall require prior approval by the Town Board."

2. The Building Inspector shall inform the Planning Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the Site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to landscaping, lighting or other Site details, provided the modifications are materially consistent with the approved site plan and all other approvals/permits granted by the Board, and any other governmental agency, which modifications shall be a condition of said Certificate of Occupancy.

**C. The following are general conditions of this approval:**

1. The Applicant shall be responsible for the payment of all as of now unknown application review costs incurred by the Planning Board in the review of this matter. Such fees shall be paid by the Applicant within thirty (30) days of the notification by the Planning Board that such fees are due. If such fees are not paid within this thirty (30) day period, and an extension therefor has not been granted by the Planning Board, this Resolution shall automatically be rendered null and void.
2. After approval by the Planning Board, the Tree Removal Permit Approval is valid for six (6) months from the issuance of the first Building Permit for the Project. All Tree Removal Permits shall expire upon completion of the work specified herein. Permits may be renewed by the Planning Board. The standards for issuance of renewals may, at the discretion of the Planning Board, be the same as for the issuance of the original permit.
3. Tree Removal Permit Approval shall not remove the Applicant's obligation to comply in all respects with the applicable provisions of any other federal, state or local law or regulation, including but not limited to the securing of any other required permit or approval.

Resolution Adopted: December 5, 2018

12/12/2018  
Date

  
Ching Wah Chin, Chairman  
Town of Ossining Planning Board

cc: Daniel A. Ciarcia, P.E.  
John D. Hamilton  
Katherine Zalanis, Esq.  
David H. Stolman, AICP, PP

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ARCHITECTURAL REVIEW BOARD  
TOWN OF OSSINING, NEW YORK

INDIAN BROOK WATER TREATMENT PLANT  
RESOLUTION OF ARCHITECTURAL REVIEW BOARD APPROVAL

WHEREAS, the Town of Ossining Planning Board has received applications from the Village of Ossining (the "Owner" and "Applicant") for Site Plan, Wetlands Permit, Tree Removal Permit and Architectural Review Board Approvals for the construction of a new, larger Indian Brook Water Treatment Plant (IBWTP) on the existing IBWTP property located in the Town of Ossining (the "Project" or "Proposed Action"); and

WHEREAS, the subject property is located at 25 Reservoir Road/Old Albany Post Road, is identified on the Town of Ossining tax maps as Section 80.15, Block 1, Lot 1, and is located in the R-30 One-Family Residence zoning district (the "Site" or "Subject Property"); and

WHEREAS, the Applicant has submitted an Application for Planning Board form dated June 1, 2018; an "Environmental Assessment Statement" containing a Full Environmental Assessment Form dated September 2018; and the following plans generally entitled, "Indian Brook Water Treatment Plant, Village of Ossining, New York," prepared by Hazen and Sawyer and dated July 2018 unless otherwise noted:

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9. L-01, "Landscape Plan."
10. L-02, "Landscape Details;" and

WHEREAS, the Applicant has also submitted the following set of architectural renderings generally entitled "Indian Brook Treatment Plant," prepared by Hazen and Sawyer and undated:

1. "Entry Gate Rendering."
2. "3D Facility Entry."
3. "Elevations."

WHEREAS, the Planning Board is familiar with the Subject Property and the general vicinity of the Subject Property; and

WHEREAS, the Planning Board has reviewed the application for Architectural Review Board Approval in accordance with the Town of Ossining development regulations, in particular with Chapter 55, Architectural Review Board, of the Code of the Town of Ossining; and

WHEREAS, a public hearing was opened on August 1, 2018 and closed on December 5, 2018 at which time all persons interested were given an opportunity to be heard; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA), and based upon the review of the Environmental Assessment Statement and all of the application materials that have been submitted for this action, the Planning Board issued a Negative Declaration on September 5, 2018 thereby finding that this Project will have no significant adverse impact.

NOW, THEREFORE, BE IT RESOLVED, that the Architectural Review Board taking into account the natural and man-made features of the site and its surroundings, and the character of the zoning district and its peculiar suitability for particular purposes, with a view to conserving existing values and encouraging the most appropriate use of land as stipulated Section 55-8.A of the Architectural Review Board chapter of the Town of Ossining Code hereby finds that:

1. The Project will not be visually offensive or inappropriate because of the poor quality of exterior design.
2. The Project will not constitute monotonous similarity or visual discord in relation to the site or its surroundings.
3. The Project will not mar the appearance of the area, or be detrimental to the character of the neighborhood.
4. The Project will not prevent an appropriate development and utilization of the site and adjacent lands; and

BE IT FURTHER RESOLVED, that the Project, as shown on the above specified drawings, is hereby granted Architectural Review Board Approval subject to the following conditions and modifications and any other requirements which must be met by law:

- A. **The Building Inspector shall not issue a Building Permit for the Project prior to the following conditions being fulfilled:**
  1. The above specified architectural renderings shall bear a date.

2. The above specified architectural renderings shall identify the manufacturer's names/numbers of all exterior materials on the proposed building.
3. The lighting plan for the Project shall bear the following notes:
  - a. All lighting shown on this plan shall be directed and/or shielded so as to preclude objectionable glare from being observable from adjoining streets and properties.
  - b. The outdoor lights shall be LED and shall not be incandescent or halogen.
  - c. The outdoor lights shall be on motion sensors from dusk until dawn and shall not be on unless motion activated.
  - d. The color temperature of the outdoor lighting shall be less than or equal to 3,000 degrees Kelvin.
4. The landscaping plan for the Project shall bear the following note:

All vegetation shown on this plan and the other plans in this set shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use of the site. All vegetation not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season.

**B. The following condition shall be fulfilled prior to the issuance of a Certificate of Occupancy for the Project by the Building Inspector:**

The Building Inspector shall inform the Planning Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the Site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to landscaping, lighting or other Site details, provided the modifications are materially consistent with the approved site plan and all other approvals/permits granted by the Board, and any other governmental agency, which modifications shall be a condition of said Certificate of Occupancy.

**C. The following is a general condition which shall be fulfilled as the Project progresses to completion:**

The Applicant shall be responsible for the payment of all as of now unknown application review costs incurred by the Planning Board in the review of this matter. Such fees shall be paid by the Applicant within thirty (30) days of the notification by the Planning Board that such fees are due. If such fees are not paid within this thirty (30) day period, and



INDIAN BROOK WATER TREATMENT PLANT  
RESOLUTION OF ARCHITECTURAL REVIEW BOARD APPROVAL

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an extension therefor has not been granted by the Planning Board, this Resolution shall automatically be rendered null and void.

Resolution Adopted: December 5, 2018

12/12/2018  
Date

  
Ching Wah Chin, Chairman  
Town of Ossining Planning Board

cc: Daniel A. Ciarcia, P.E.  
John D. Hamilton  
Katherine Zalantis, Esq.  
David H. Stolman, AICP, PP

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