

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 ATTACHMENT

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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Ossining Town 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: Comprehensive Plan Update and Adoption of Six Local Laws to Implement Recommendations of the Updated Comprehensive Plan

Name of Lead Agency: Ossining Town Board

Name of Responsible Officer in Lead Agency: Susanne Donnelly

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

David H. Stolman, AICP, PP

Date:

December 7, 2015

For Further Information:

Contact Person: Supervisor Susanne Donnelly

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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 TO
NEGATIVE DECLARATION**

**ADOPTION OF TOWN COMPREHENSIVE PLAN
UPDATE AND SIX LOCAL LAWS TO IMPLEMENT
RECOMMENDATIONS OF THE COMPREHENSIVE PLAN UPDATE**

Town Comprehensive Plan Update

The following are new implementation strategies which are proposed to be added to the Town Comprehensive Plan.

1. The Town should also adopt design guidelines for North State Road, other non-residential areas and public properties, including standards for lighting and street furniture.
2. The density provisions of the Town's Zoning chapter have not been analyzed to determine if they are appropriately environmentally protective in many decades. Given the sheer length of time since such an analysis has been performed, it is presumed likely that the density provisions of the Zoning chapter have not kept up with the times, and are not sufficiently protective of the Town's sensitive environmental resources. The Town should review the density provisions of the Zoning chapter to determine whether modifications should be made in this regard.
3. The Town should strive to meet the New York State Department of Environmental Conservation's recreational water standards for all streams in the Town.
4. The Town should make educational materials and information available to residents regarding the importance of testing their septic systems to determine the effectiveness of the systems, and should encourage the repair or replacement of failing systems.
5. The Town should encourage the use of permeable pavers and pavement where feasible and appropriate.
6. Where feasible, barriers to appropriate wildlife migration and movement, including in waterways, should be removed.
7. The Town's tree, steep slopes and wetlands protection regulations were adopted many years ago and have not been analyzed in quite some time to determine whether they are as environmentally protective as they should be. The Town should perform such analysis and amend these regulations if needed.

8. The Town should make educational materials and information available to residents and merchants regarding the availability of alternate forms of energy including solar, geothermal and wind energy. This should include information about tax incentives and rebates which may be available.
9. The Town should explore whether the use of alternate forms of energy are feasible and appropriate for the powering, heating and/or cooling any of its buildings or facilities.
10. When implementing solar energy techniques, there should be a proper balance between solar energy and the consequential need for tree removal.
11. The Town should determine where additional bicycle racks can be located and should work with various entities to install the racks along with signs reminding motorists that the racks are available.
12. The Town should explore the enhancement of pedestrian and bicycle safety in Crotonville.
13. The Town should be open to an analysis of the zoning of the underutilized and non-conforming Stony Lodge Hospital property in order for this property to be adaptively reused or redeveloped in a manner that is feasible and which protects surrounding neighborhoods and environmental resources to the maximize extent practicable.
14. In that the GB-1 zone refers to the GB district for most of its permitted uses, and in that the GB uses have changed materially in recent years, the uses permitted in the GB-1 zone should be analyzed for appropriateness.
15. The Town of Ossining seeks to protect its historic buildings and encourages creative reuse. The following examples are aesthetically interesting and may enhance the sense of being part of a richly layered community evolving and thriving over time. Noteworthy buildings include:
 - The former Sing Sing Water Works building on River Road. It is currently owned and occupied by Anthony L. Fiorito, Inc. Contracting. This brick building on the banks of the Croton River once housed the coal-fired water pumps that delivered water to the Village of Sing Sing from the Indian Brook Reservoir. It includes a dramatic square smokestack structure that is prominently visible to drivers on Route 9.

- The Parker-Bale American Legion building on Old Albany Post Road in Crotonville. This started as a one-room school house in the 1800s and is famously the site of the first public meeting in 1964 of the Hudson River Fisherman’s Association with Robert Boyle (writer), Richie Garrett (fisherman) and Richard Ottinger (Congressman) which later became the Hudson Riverkeeper.
- The Potter Church on Old Albany Post Road. This is a beautiful brick church from the 1800s that is now occupied as a private club. This site was used in filming scenes in the Woody Allen movie “Sweet and Lowdown” (1999) with Sean Penn and Uma Thurman.
- The Black Horse Tavern on Old Albany Post Road. This was a tavern and inn and dates back to the late 1700s.

The addition of the new implementation strategies above would make the Town Comprehensive Plan more protective of the environment than it currently is. Further, the new implementation strategies would not necessarily result in any reduction in the existing or future supply of housing in the Town. Therefore, the proposed amendments to the Comprehensive Plan would be beneficial to, and have no significant adverse impacts upon the environment.

Local Law #5 of 2015 for the Purpose of Amending the Notification Provisions of the Town Code

1. One intension of the proposed local law is to standardize and increase the number of persons who would be notified of public hearings held by the Town Board, Planning Board and Zoning Board of Appeals with respect to the review and approval of applications for the development of land in the Town. The uniform provision is proposed to read as follows:

The approval authority shall not decide upon any special permit without first holding a public hearing. Notice of said hearing and of the substance of the application shall be given by publication in the official newspaper of the Town at least 10 days before the date of such hearing. In addition to such published notice, the approval authority shall cause such notice to be mailed at least 10 days before the hearing to all owners of property which lie within 500 feet of any lot line of the property for which the special permit is sought and to such other persons as the approval authority may deem advisable. The names of said owners shall be taken as they appear on the last completed assessment roll of the town. Provided that due notice shall have been published and there shall have been substantial compliance with the remaining provisions of the section, the failure to give notice in

exact conformance herewith shall not be deemed to invalidate any action taken by the approval authority in connection with the granting of approval.

2. Further, the proposed local law would also require that a sign be posted on the frontage(s) of properties for which a land use application has been filed in accordance with the following provisions:

§ 200-31.1 Notification of proposed land use activity.

- A. Every applicant that submits an application for a proposed land use activity to the Town Board, Planning Board and/or Zoning Board of Appeals must post one or more notification signs on the property which is the subject of said application within three days of acceptance of the application by the approval authority and must maintain the posted sign(s) place until the approval authority has rendered its final decision approving or denying said application. The sign(s) shall be erected not more than 10 feet from each boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of each sign so erected shall be positioned no less than 14 inches and no more than 36 inches above the ground. In the event that the subject property abuts more than one road, additional signs will be posted facing each road on which the property abuts. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the property does not abut a public road, one or more signs shall be posted in Town-approved locations that can readily be seen by the public. Any sign erected under this provision must be removed within 10 days after the approval authority has rendered its final decision approving or denying said application.
- B. In the event that an application shall be withdrawn or become inactive, the applicant shall remove the sign(s) within five business days of withdrawing the application or of receiving notice from the approval authority that the application has been designated inactive. For the purposes of this section any application which has not appeared on the approval authority's agenda for six or more months shall be designated inactive. The approval authority shall notify the applicant in writing that the application has become inactive and instruct the applicant to remove the sign(s) until such time as the application shall be reactivated. Once the application is reactivated, the sign(s) shall be posted within three days.
- C. The Town of Ossining will supply the sign(s) and the initial cost will be included in the application fee. The applicant will be responsible for maintaining said sign(s) in good condition so as to be visible to and

readable by the public. The applicant shall be responsible for replacing any sign(s) that are damaged, destroyed, lost or stolen during the pendency of the application. A replacement fee will be charged for each sign that needs to be replaced. The amount of said replacement fee shall be determined from time-to-time by the Town Building Inspector.

- D. Prior to the commencement of any public hearings or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit a sworn certification on a form provided by the Town, together with legible photographic evidence, to verify the placement and maintenance of the required sign(s). If the certification is not timely submitted, any scheduled public hearings shall be cancelled, subject to rescheduling, and any dispositive action by the approval authority shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with these sign posting and certification requirements, the application may be dismissed at the discretion of the approval authority.

The proposed text would improve the provisions pertaining to notification of the public as to proposed development applications and would have no adverse impacts upon the environment whatsoever.

Local Law #6 of 2015 for the Purpose of Amending the Subdivision of Land and Tree Protection Chapters of the Town Code

Proposed Amendments to the Subdivision of Land Chapter

- 1. Section 176-20.B shall be amended to read as follows:

- B. Natural factors.

- (1) Trees.

- (a) In general, no living trees of six inches diameter or larger, that are in areas not covered by pavement or buildings or utilities or other structures, or in areas where the change from the original ground elevation exceeds two feet, shall be removed by the developer.

- (b) Street trees shall be provided as part of the subdivision improvements. Such trees shall be planted along both sides of the street, outside of the street right-of-way, and spaced approximately 50 feet on center with at least two trees per lot.

- (c) ~~Two street trees shall be planted on all lots in locations as indicated on approved plans.~~ In the event certain lots are heavily wooded and do not require these street trees, then said trees shall be planted on less wooded lots, if any, in the confines of the plan in question. The final location determination shall be the duty of the Town Engineer or his duly authorized representative after site inspection.
- (d) Standards for street trees shall be in accordance with the recommendations as set forth in the Horticultural Standards of the American Nurseryman Association. All trees shall be bare-rooted or balled, first-line nursery stock and not rejects. The caliper of each tree shall be a minimum of four^{1-3/4} ~~inches to two~~ inches, as measured 12 inches above finished grade.
- (e) The planting of bare-rooted trees shall be permitted only during the months of April, May, October and November. Balled trees may be planted any time during the year, provided that ground is not frozen, and shall have a minimum ball diameter of 20 inches.
- (f) Planting of all trees shall be in a properly prepared hole which is twice the diameter of the root ball and no deeper than the height of the root ball. ~~There shall be so that tree roots shall have three inches of topsoil below the roots and the remainder of the hole shall be filled with original soil extending six inches beyond all sides of root spread. A mulch consisting of peat moss or other accepted material shall complete the bedding.~~
- (g) Guaranties shall be one year from the time of planting in the case of bare-rooted trees and one growing season in the case of balled trees. It shall be the duty of the land developer to provide certification from a recognized landscape contractor, preferably a member in good standing of any accredited Nurseryman Association, attesting to the time and method of planting in accord with these specifications, and providing the guaranties as set forth.
- (h) The following is a list of acceptable street trees. No variation shall be allowed without written permission of the Planning

BoardTown Engineer:

Genus	Species
Acer (maple trees)	Platanoides (Norway) Schwedleri (Schwedler; purple-leaved Norway) Rubrum (red or scarlet) Saccharinum (sugar)
Platanus (plane trees)	Acerifolia orientalis (London) Acerifolia occidentalis (American)
Quercus (oak trees)	Borealis rubra (northern red oak) Coccinea (scarlet red oak) Palustris (pin oak)
Tilia (linden trees)	Americana (American) Tomentosa (silver)

- (i) If any topsoil is removed from its natural position in the process of grading the subdivision site, such topsoil shall be replaced in compliance with the requirements of the applicable Town lawsordinances.

Proposed Amendments to the Tree Protection Chapter

1. A new Subsection F shall be added to Section 183-6, Activities Permitted Without Tree Removal Permit, and shall read as follows:

F. Removal of any tree listed on the New York State Prohibited or Regulated Invasive Species List as determined in writing on the business letterhead of a tree specialist and submitted to the Building Inspector.

2. Section 183-13.C shall be amended to read as follows:

C. If a public tree is removed, the remover must replace that tree with at least one of the same or similar species, at the same location or another location, and of a specific size, all as determined agreed upon by the approval authority. The replacement tree(s) shall not be any of those listed on the New York State Prohibited or Regulated Invasive Species List.

All of the proposed amendments above would be more protective of the environment than are the current provisions. Further, the proposed amendments will have no significant adverse impact upon the existing or future supply of housing in the Town. Therefore, the proposed amendments would be beneficial to, and have no significant adverse impacts upon the environment.

Local Law #7 of 2015 for the Purpose of Amending the Freshwater Wetlands, Watercourses and Water Bodies Protection Chapter of the Town Code

The following are the proposed amendments:

1. Section 105-1.A shall be amended to read as follows:
 - A. Title and purpose. This chapter shall be known as the "Freshwater Wetlands, Watercourses and Water Body Protection Law of the Town of Ossining." It is a chapter regulating the dredging, filling, deposition or removal of materials; diversion or obstruction of water flow; and placement of structures and other uses in the water bodies, watercourses, ~~and wetlands~~ and buffers thereof, in light and recognition of the functional benefits of the preservation, protection and conservation of these water resources as enumerated in § 105-1C, in the Town of Ossining.
2. A new Subsection 105-1.C(m) shall be added and shall read as follows:

(m) Providing carbon sequestration to offset climate change.
3. The following definitions in Section 105-2.B shall be amended to read as follows:

HYDRIC SOIL

A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part, and as further defined by the New York State Department of Environmental Conservation wetlands delineation manual, as such document may be amended from time to time~~under the term "wetland."~~

HYDROPHYTIC VEGETATION

Plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content~~and as further defined under the term "wetland."~~

WATERCOURSE

A running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, springs, runs and rivulets; a stream, usually flowing in a particular direction, though it need not flow continuously (it may sometimes be dry). ~~To meet this definition, it must flow in a definite channel, having a bed or banks.~~ It usually discharges itself into some other stream or body of water. It must be something more than mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.

WETLAND:

- (1) All areas that comprise hydric soils and/or are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation.

~~Any area which meets one or more of the following criteria:~~

- ~~(a) — A watercourse;~~
- ~~(b) — A water body;~~
- ~~(c) — Land shown as a wetland on the New York State Freshwater Wetlands Map, as defined herein;~~
- ~~(d) — An area 1/2 acre or more in size inundated or saturated by surface or ground water at a frequency and duration sufficient under normal circumstances to support a prevalence of hydrophytic vegetation;~~
- ~~(e) — An area specified as a wetland on the Town of Ossining Wetlands and Drainage Map; or~~
- ~~(f) — An area specified as being comprised of hydric soils on the Town of Ossining Wetlands and Drainage Map, which is determined by the approval authority to constitute a wetland, and which is at least 1/2 acre in size.~~

- (2) Except with respect to the size of buffer areas pursuant to § 105-3.B herein, this term "wetland," as used in this chapter, shall include watercourses and water bodies.

4. The following new definition shall be added to Section 105-2.B and shall read as follows:

GROWING SEASON:

The portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5 degrees C) (U.S. Department of Agriculture, Soil Conservation Service, 1985). For ease of determination this period can be approximated by the number of frost-free days (U.S Department of the Interior, 1970).

5. Section 105-3.A shall be amended to read as follows:

- A. Wetlands. The applicant shall be responsible for having the boundaries of the wetland(s) and buffer area(s) delineated by a qualified environmental professional by field investigation during a growing season, with soils not snow covered or frozen, and with each turning point determined, flagged and identified by GPS location, and subsequently surveyed and mapped by a licensed land surveyor. A full report regarding the delineation with data sheets shall also be submitted by said professional. The approval authority may also consult, at the expense of the applicant, ~~and/or may also require the applicant to consult with~~ biologists, hydrologists, soil scientists, ecologists/botanists or other experts and professionals as deemed necessary by said authority to make this delineation determination.

6. Section 105-5.A shall be amended to read as follows:

- A. Allowable activities. The following uses shall be allowed without a permit within a wetland or buffer area as specified below:
- (1) Normal ground maintenance, including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence.
 - (2) Repair of existing walkways and walls.
 - (3) Maintenance of existing decorative landscaping and planting in buffer areas only.
 - (4) Public health activities and orders of the Westchester County Department of Health and/or the New York State Department of Health for emergencies only.
 - (5) Normal gardening activities and the composting of leaves, grass clippings or other vegetation in buffer areas only, located within a private residential lot.
 - (6) Operation and maintenance of existing dams and water control devices, excluding the adjustment of water elevations over 18 inches in height.
 - (7) Maintenance of existing drainage channels where impedance of flow may cause flooding or threaten public safety on highways or in dwellings or other structures.

(8) Maintenance and repair of any Best Management Practice (BMP) installed for stormwater management purposes.

(9) Manual removal of accumulated sediment, up to a maximum of two cubic yards, located within five feet of the end of a pipe which crosses under a road or driveway.

7. Section 105-5.B(4) shall be amended to read as follows:

~~(4) Introduction of any form of pollution including but not limited to the~~ Installation of a septic tank, the running of a sewer outfall or the discharging of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland, watercourse, water body or buffer area with the approval of the Westchester County Department of Health.

8. Section 105-5.C shall be amended to read as follows:

C. Prohibited acts. It shall be unlawful to place or deposit chemical wastes or to introduce influents of such thermal content so as to cause deleterious ecological effect in any wetland, watercourse, water body or buffer area. Also unlawful shall be the installation of a septic tank, the running of a sewer outfall or the discharging of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland, watercourse, water body or buffer area without the approval of the Westchester County Department of Health.

9. A new Subsection 105-6.A(8) shall be added and shall read as follows:

(8) The delineation mapping and report specified in § 105-3.A of this chapter.

10. Section 105-6.D shall be amended to read as follows:

D. Regulated acts permitted with permit issued by the Building Inspector.

(1) The following ~~two~~-regulated activities are determined by this chapter to be limited in scope and potential impact, and are the ~~two~~-activities within wetlands or buffer areas for which a permit issued by the Building Inspector may be granted:

(a) Construction of a driveway when the length of a wetland or buffer area crossing or intrusion is less than 100 feet, excluding the construction of driveways of any length which cause hydrological isolation of a portion of a wetland; if a

natural drainage system crossing is proposed, where a single culvert of less than 25 feet in length and 18 inches in diameter is required; ~~and~~.

(b) The application of nonpolluting chemicals or dyes for the purpose of maintenance that does not change the character of the wetland (such as Health Department testing).

(c) Decks or porches with a footprint of 200 square feet or less located more than 50 feet from a wetland or watercourse, provided that no grading is required for their construction other than for posts or footings.

(d) Single-story movable sheds, without foundation or footings, with a footprint of 100 square feet or less located more than 50 feet from a wetland or watercourse, provided:

[1] Such sheds are not used for the storage of gasoline, oil, pesticides or other chemicals or toxic substances or any tools, machinery or equipment which use any such substances; and

[2] No grading is required for installation.

(e) Movable play sets or swing sets or other small additions to existing structures, without foundation, with a footprint of 100 square feet or less and located more than 50 feet from a wetland or watercourse, provided no grading is required for installation.

(f) Fences without mesh, provided:

[1] No fence post is to be placed in the streambed or within three feet from the edge of the stream; and

[2] The bottom of the fence is to be no lower than 12 inches above seasonal high water of the stream; and

[3] No grading is required for installation.

(g) Dry-laid stone walls, containing no mortar or cement, where the wall is designed to permit the passage of small animals by permitting openings at 15-foot intervals at least six inches in

height above ground level and 12 inches in length, and where the construction of said wall will not inhibit or alter the natural drainage flow or cause the blocking or damming of surface water.

- (2) Notwithstanding the foregoing, no regulated activity shall be permitted with a permit issued by the Building Inspector when such activity is proposed for an area designated as a wetland on the New York State Freshwater Wetlands Map.
- (3) If the Building Inspector determines that the granting of a permit for one or ~~more~~~~both~~ of the activities in Subsection D(1) immediately above would be appropriate in light of the standards set forth in § 105-8 below, the Building Inspector shall grant the permit within 21 days of receipt of a complete application. Notwithstanding the foregoing, the Building Inspector, in his/her sole discretion, may forward any application for a permit to the Planning Board for processing in accordance with the provisions of § 105-7 below.
- (4) However, in the event that the Building Inspector determines that the granting of a permit for one or ~~more~~~~both~~ of the activities in Subsection D(1) immediately above would be inappropriate in light of the standards set forth in § 105-8 below, the Building Inspector shall neither approve nor deny the application, but rather shall notify the applicant within 21 days of receipt of a complete application and shall forward the application to the Planning Board for processing in accordance with the procedures set forth in § 105-7 below.

11. Section 105-8.A shall be amended to read as follows:

- A. Consideration. In granting, denying or conditioning any permit, the approval authority shall consider all relevant facts and circumstances including but not limited to the following:

[Subsections (1) through (3) shall remain intact.]

- (4) The effect of the proposed activity ~~relativewith-reference~~ to the protection or enhancement of the functions of wetlands and the benefits they provide which are set forth in § 105-1C hereof.

[Subsections (5) and (6) shall remain intact.]

12. Section 105-8.B shall be amended to read as follows:

B. Findings. Permits will be issued by the approval authority pursuant to this chapter only if the applicant demonstrates and the approval authority finds that:

- (1) The proposed regulated activity is consistent with the policy hereof to preserve, protect and conserve wetland functions and the benefits they provide, as set forth in § 105-1C hereof, by preventing to the maximum extent practicable the degradation and destruction of wetlands as balanced against private property rights~~the need for development of the town.~~
- (2) The proposed regulated activity is compatible with the public health and welfare.
- (3) The proposed regulated activity cannot practicably be relocated on the site so as to eliminate or reduce the intrusion into the wetland, watercourse, water body and/or buffer area.
- (4) All proposed culverts and dams meet the guidelines of the New York Department of Environmental Conservation for the migration of aquatic wildlife, if applicable.
- (5) Pipes installed to convey a watercourse shown on the USGS maps or classified by the New York State Department of Environmental Conservation as A, B or C will require culverts designed in accordance with the stream crossing guidelines document published by the New York State Department of Environmental Conservation.

13. Section 105-10.B shall be amended to read as follows:

B. Mitigation plan.

- (1) Upon a determination pursuant to Subsection A immediately above that a loss of wetland, watercourse, water body or buffer area is necessary and unavoidable, the Planning Board shall, and the Building Inspector may, as approval authority, require the preparation of a mitigation plan which shall specify mitigation measures that replace and/or restore, to the greatest extent reasonably practical, the functions of the original wetland and/or buffer area in terms of type, ecological benefits, geographic location and setting, and size.

- (2) For the purposes of mitigation, on-site mitigation shall be the preferred approach; off-site mitigation shall be permitted only in cases where an on-site alternative is not possible.
- (3) Mitigation for intrusion into wetlands shall be such as to provide no overall net loss of wetlands in terms of ecological characteristics and function, similar geographic location and setting, and size. A greater than 1:1 replacement may be necessary in areas where there is a strong possibility of the failure of the viability of the replacement/restored wetlands. Mitigation for intrusion into buffer areas shall be such as to preserve the ecological characteristics and functions of the associated wetland.
- (4) Where off-site mitigation is proposed, it shall be within the same drainage basin affected by the development. In this regard, contribution to a Town-Board-adopted drainage basin and/or wetland improvement plan may be considered by the approval authority.

14. Section 105-10.C shall be amended to read as follows:

- C. Mitigation plan requirements. Mitigation plans shall be designed to minimize impacts to wetlands, watercourses, water bodies and buffer areas. Said plans shall also provide for the preservation of remaining wetlands via the establishment of restrictive covenants or conservation easements.

[Subsections (1) through (4) shall remain intact.]

All of the proposed amendments above would be more protective of the environment than are the current provisions. Further, the proposed amendments will have no significant adverse impact upon the existing or future supply of housing in the Town. Therefore, the proposed amendments would be beneficial to, and have no significant adverse impacts upon the environment.

Local Law #8 of 2015 for the Purpose of Amending the Steep Slope Protection Chapter of the Town Code

The following are the proposed amendments:

Section 167-5 shall be amended to read as follows:

§ 167-5. Allowable and regulated activities.

A. Allowable activities. The following activities within a steep slope area shall be allowed without a permit:

- (1) Normal ground maintenance which does not require disturbance of existing terrain, including mowing, trimming of vegetation and removal of dead or diseased vegetation, provided that such activity does not involve regrading, and further provided that such activity conforms with all other applicable laws and regulations, including but not limited to the Tree Protection Law of the Town of Ossining (Chapter 183).
- (2) The disturbance to steep slopes under temporary emergency conditions, as determined by the Building Inspector, where such disturbance is necessary to protect persons or property from present and imminent danger.
- (3) Repair of existing walkways and walls.
- (4) Installation of a standard-size mailbox.
- (5) Public health activities and emergency uses pursuant to orders of the Westchester County Department of Health and/or the New York State Department of Health.

B. Regulated activities.

(1) It shall be unlawful to create a new steep slope area or to create any disturbance, other than an allowable activity as defined in § 106-5A hereof, on any existing or proposed steep slope in the absence of a steep slope permit issued by the approval authority and a work permit issued by the Building Inspector.

(2) It shall be unlawful to create or disturb any extremely steep slope, as defined herein, except that the Planning Board may waive this prohibition with respect to ingress and egress for the property and in other circumstances, subject to the following provisions of this section. In these cases, the applicant shall have the burden of demonstrating that the applicant's circumstances warrant the waiver, including at a minimum an analysis of the relative environmental impacts of alternatives and demonstration by the applicant that:

[1] The site, lot or parcel cannot be reasonably used without the creation or disturbance of an extremely steep slope; or

[2] A traffic hazard relative to sight distance(s) would result without the creation or disturbance of an extremely steep slope.

In addition, the Planning Board may only permit the creation or disturbance of an extremely steep slope if in doing so adverse environmental impacts can be mitigated to the extent acceptable to said board.

All of the proposed amendments above would be more protective of the environment than are the current provisions. It is important to note that the provision regarding the creation or disturbance of any extremely steep slope is not an absolute prohibition and can be waived by the Planning Board under a variety of circumstances subject to the criteria in Section 167-5.B(2). Further, the proposed amendments will have no significant adverse impact upon the existing or future supply of housing in the Town. Therefore, the proposed amendments would be beneficial to, and have no significant adverse impact upon the environment.

Local Law #9 of 2015 for the Purpose of Amending the Subdivision of Land and Zoning Chapters of the Town Code

Proposed Amendment to the Zoning Chapter

A new Subsection 200-6.F shall be added and shall read as follows:

E. Every proposed lot shall contain a suitable site for a principal building and associated improvements.

(1) With respect to a conventional subdivision layout, at least 75% of the minimum lot area requirement of a proposed lot shall neither consist of "wetland" nor "extremely steep slope" as these terms are defined in Chapter 105, Freshwater Wetlands, Watercourses and Water Body Protection, and Chapter 167, Steep Slope Protection, respectively, of the Town Code. For example, in an R-40 zoning district at least 30,000 square feet (75% of 40,000 square feet) of the proposed lot shall neither consist of "wetland" nor "extremely steep slope."

(2) With respect to a cluster development layout, the Planning Board shall strive to achieve the 75% standard in subsection (1) immediately above, but the Board shall have latitude with respect to the degree to which building sites and lots may contain "wetland" and/or "extremely steep slope," in the furtherance of fulfilling one or

more of the purposes of cluster development set forth in § 200-31.A of this chapter, to wit to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands, to protect areas of meaningful ecological value and to reserve suitable lands for park and recreation purposes, as well as to assist in the provision of below-market-rate housing pursuant to § 200-34.C of this chapter.

Proposed Amendment to the Subdivision of Land Chapter

A new Subsection 176-18.F shall be added and shall read as follows:

- F. Every proposed lot shall contain a suitable site for a principal building and associated improvements.
- (1) With respect to a conventional subdivision layout, at least 75% of the minimum lot area requirement of a proposed lot shall neither consist of “wetland” nor “extremely steep slope” as these terms are defined in Chapter 105, Freshwater Wetlands, Watercourses and Water Body Protection, and Chapter 167, Steep Slope Protection, respectively, of the Town Code. For example, in an R-40 zoning district at least 30,000 square feet (75% of 40,000 square feet) of the proposed lot shall neither consist of “wetland” nor “extremely steep slope.”
 - (2) With respect to a cluster development layout, the Planning Board shall strive to achieve the 75% standard in subsection (1) immediately above, but the Board shall have latitude with respect to the degree to which building sites and lots may contain “wetland” and/or “extremely steep slope,” in the furtherance of fulfilling one or more of the purposes of cluster development set forth in § 200-31.A of this chapter, to wit to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands, to protect areas of meaningful ecological value and to reserve suitable lands for park and recreation purposes, as well as to assist in the provision of below-market-rate housing pursuant to § 200-34.C of the Town code.

The purpose of the proposed amendments is to ensure that every proposed lot contains a suitable site for a principal building and associated improvements that is not significantly environmentally constrained or sensitive. The proposed amendments require that in a conventional subdivision, at least 75% of the minimum lot area requirement of a proposed lot shall neither consist of wetlands nor extremely steep slopes as these terms are defined by statute. The Planning Board would have more latitude in a cluster development where the Board would have to strive to achieve the 75% standard mentioned above, but would not necessarily have to achieve said standard, in furtherance of fulfilling one or more of the purposes of cluster development set forth in Section 200-31.A of the Zoning Law.

As a practical matter, the Planning Board would require, through its usual and customary interpretation of the provisions of Chapter 176, Subdivision of Land, of the Town code, that an environmentally unconstrained site exists for a principal building and associated improvements on each new lot. To wit, Section 176-1.A states:

“The Town Planning Board of Ossining declares that these regulations are intended to provide for the orderly growth and coordinated development of the Town and to assure the comfort, convenience, safety, health and welfare of the people. Further, the approval of such subdivisions shall be based on the following broad considerations:

- (2) Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff and to the groundwater table.
- (3) Recognition of desirable standards of subdivision design, including provision for pedestrian and vehicular traffic, surface water runoff and for suitable building sites for the land use contemplated.
- (5) Preservation of natural assets such as streams, ponds, trees and attractive scenic areas.”

In addition, Section 176-13.A states, “Land to be subdivided for building purposes shall be of such character that it can be used safely without danger to the residents from any menace.”

Further, Section 176-18.A states:

- “A. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions.”

While the proposed amendments might result in some small reduction in the ultimate number of lots and homes in the Town, this small reduction is not considered a significant adverse environmental impact given the fact that the Town is largely built-out and the relatively minor amount of remaining land is being built-out at a rather slow pace. All of the proposed amendments above would be more protective of the environment than are the current provisions. Therefore, the proposed amendments would be beneficial to, and have no significant adverse impacts upon the environment.

Local Law #10 of 2015 for the Purpose of Adding a Chapter Entitled “Architectural Review Board” to the Town Code

The proposed local law would create, and provide a review and approval process for an Architectural Review Board. The purposes of this new chapter are as follows:

- A. The Town Board of the Town of Ossining hereby finds that it is in the best interest of the Town residents, and protective of their health, safety and welfare, to enact this chapter of the Town Code for the creation of an Architectural Review Board.
- B. The Town Board hereby finds that monotonous similarity, striking dissimilarity, visual discord or inappropriateness, and visually offensive, incompatible or other poor quality of design in the exterior appearance of buildings and structures can adversely affect the desirability of the immediate and neighboring areas, impair the use of property, impact the stability in value of both improved and unimproved property, prevent the most appropriate development, and contribute to the diminution of the taxable value of property and their ability to support municipal services provided therefor.
- C. It is the purpose of this legislation to preserve, promote and provide future enhancement of the character and appearance of buildings and structures, and to conserve the property values of the Town, and the attractiveness of its residential and business areas which are the economic mainstays of the community, by providing procedures for an architectural review of buildings and structures henceforth erected, reconstructed or altered in the Town, and thereby:
 - (1) Encourage good qualities and appearances of the exterior design of buildings and structures.
 - (2) Relate such design and appearances to the sites and surroundings of buildings and structures.
 - (3) Permit originality and resourcefulness in building design and appearances which are appropriate to the sites and surroundings.

- (4) Prevent such design and appearances as are deemed inappropriate and detrimental to the visual environment.

D. It is the intent of the Town Board to ensure high standards and consistent criteria for the design of residential and non-residential buildings and structures and the Board hereby enacts this chapter to achieve the above stated purposes.

This proposed chapter above would be more protective of the environment than is the current situation. Further, the proposed amendments will have no significant adverse impact upon the supply of housing in the Town. Therefore, the proposed local law would be beneficial to, and have no significant adverse impacts upon the environment.

SUMMARY

The Proposed Action will be more protective of the environment than is the current policy, will be beneficial to the environment, and will not result in any significant adverse impacts on the environment. More specifically:

1. The Proposed Action does not directly involve construction on, or physical alteration of, any properties.
2. The Proposed Action will not have a significant adverse environmental impact with respect to 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.
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.
5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding.
6. The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source.
7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.
8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources.

9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.
10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources.
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.
12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA).
13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.
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.
15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.
16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.
17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans.
18. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with the existing community character.
19. The Proposed Action will not have a significant adverse environmental impact on the supply of housing in the Town.

Based upon this information and the information in the Full Environmental Assessment Form, the Town 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.