

II. PROJECT HISTORY AND PROPOSED PROJECT DESCRIPTION

A. Introduction

I. Project History

The Hudson Park Ossining, LLC, (the “Applicant” or “Hudson” or “Project Sponsor”) previously proposed a 188-unit multifamily rental project (the “Former Project”) on the site occupied by the former Stony Lodge Hospital, located at 40 Croton Dam Road in the Town and Village of Ossining, New York (the “Project Site” or “Site”) (Figure 2-1). The Stony Lodge Hospital was a child and adolescent psychiatric center that ceased operations in 2012. The Former Project was reviewed by the Ossining Planning Board and Town Board during a period spanning from November 2014 to approximately May 2020. The Former Project proposed clustering all units into a single building in the approximate location of the vacant Stony Lodge Hospital buildings. The Applicant submitted a petition to the Town Board for a new zoning district to be created, MF-2 “Multifamily Residence 2”, to enable a greater array of housing opportunities in the Town and to permit the Former Project subject to a Conditional Use permit. The use would be permitted by the Planning Board as a conditional use.

Based on direct feedback from the Boards, community and neighbors, Hudson has re-thought the project and now proposes to construct a 95-unit 55+ age-restricted townhome condominium community on the Project Site, also to be known as River Knoll. The Proposed Project seeks to utilize the Town’s existing MF “Multifamily Residence” zoning district to accommodate the proposed use and the Site would be re-mapped from the One-Family Residence (R-15) District to the MF District. Multifamily housing is a permitted use in the proposed MF district rezoning.

2. Location, Frontage, Access, Acreage, Ownership

The Proposed Project is located at 40 Croton Dam Road in the Town and Village of Ossining, New York. The Project Site is 17.89 acres and is composed of 16.68 acres situated within a residential single-family home portion of the Town of Ossining and

1.21 acres situated within a residential portion of the Village of Ossining. Development is only proposed on the 16.68 acre portion of the Site within the Town of Ossining. The property is occupied by vacant buildings of the former Stony Lodge Hospital use, a child and adolescent psychiatric center that ceased operations in 2012 (Figure 2-2).

The 16.68 acre portion of the Site within the Town is identified as tax lot 89.08-1-83. The 1.21 acre portion of the Site within the Village is comprised of two tax lots which are tax lot 89.12-2-13 and tax lot 90.05-1-27 (Figure 2-3). The Site fronts Croton Dam Road, which also provides access. The property is owned by Stony Lodge Hospital Inc.

The portion of the Site located within the Village of Ossining will be put into an open space easement to prevent future development on that portion of the Project Site.

3. Description of Surrounding Properties

The majority of land uses surrounding the Project Site to the east, south, and northeast within the Village of Ossining consist of small lots within the Village's S-50 zoning district, which permits a minimum lot size of 5,000 s.f. (see Figure 3.A-2 within Section III.A of the SDEIS). Houses typically are set close to the street. (The easternmost portion of Grandview Avenue is within the Village of Ossining).

Four larger-lot residential properties and two residential cul-de-sacs (Cherry Hill and Pheasant Ridge) are situated to the west of Croton Dam Road in the Town of Ossining. Notable non-residential land uses in the vicinity of the Project Site include the Bethel Nursing and Rehab Center, located at 17 Narragansett Avenue in Ossining, which is shown as a "Social and Health Services" land use. The Saint Augustine Cemetery and the Veterans Park are two "Community Facilities and Open Space and Recreation" areas located within a ½ mile radius of the Project Site.

Additionally, several significant open space areas are nearby the property and include the Veterans Memorial Park directly across Narragansett Avenue on the easternly side of the Property; the Maryknoll Seminary with 230 greenspace acres further to the east; and the Anne Dorner Middle School – Dale Cemetery – Torview Club's open space areas to the westerly side of the Property.

4. Description of the Former Project Development Program

The Former Project was proposed as a multifamily residential community comprised of a single multifamily building positioned in the center of the Site. The building would consist of 169 market rate rental units and 19 affordable units, for a total of 188 units. Eighty-six (86) of the 169 market rate units would be one-bedroom with an average unit size of 850 square feet; eighty-three (83) units would be two-bedrooms with a unit size of approximately 1,150 square feet. Ten of the affordable rental units would be one-bedroom and nine would be two-bedroom units. A total of 302 spaces are provided for the residents and their guests which exceeds the required 215 spaces by 87 spaces.

The existing hospital buildings onsite would be removed. The new building would be located in the same general location as the original main hospital building. The proposed building was designed to be reminiscent of the Hudson Valley architectural vernacular. The Former Project would create approximately 13.65 acres (or 76 percent of the Project Site) of permanently protected open space, which would provide visual and natural resources benefits in perpetuity.

The Applicant petitioned the Town Board of the Town of Ossining for a rezoning and referral of the site plan application to the Town Planning Board. As is the case currently, the Project Site is zoned R-15, which permitted single family homes on 15,000 square foot lots. There was no zoning district within the Town Code to facilitate the development of the Former Project at its proposed density. Accordingly, a new zoning district was needed to enable the kind of development envisioned for the Project Site. Therefore, the Project Sponsor proposed the adoption of a new

Multifamily Residence 2 (MF 2) zoning district to enable the proposed use. Multifamily housing would be permitted in this new district as a conditional use subject to approval by the Planning Board.

The Former Project included landscaped buffers surrounding the perimeter of the Project Site. In addition, the proposed homes fronting Croton Dam Road would be a minimum of 85 feet distant from the right-of-way. The green spaces would buffer the surrounding single-family residential neighborhood from the Proposed Project.

River Knoll was proposed to be an amenitized multifamily community. Amenities would include a landscaped entrance courtyard with a porte-cochere, a fitness center with state-of-the-art exercise equipment, a yoga studio, and a club room providing gathering areas, billiards, and Wi-Fi equipped library areas. A “Dog Spa” was to also be provided for residents to care for their pets during work hours. Outdoor amenities were to include a swimming pool for residents, an outdoor kitchen for private entertaining, extensive landscaping, a dedicated dog walk, and a walkway to Veterans Memorial Park. The individual units were to have hardwood floors, stainless steel appliances, and individual washer/dryers. Each apartment was to have at least one indoor garage parking space allocated to it. In addition, a “jitney” shuttle will provide morning and evening commuter service to residents, either to the Croton and/or Ossining Metro-North rail stations.

B. Description of Proposed Project

I. Site's Existing and Proposed Zoning Designations

The majority of the Project Site (16.68 acres) is zoned One-Family Residence (R-15) in the Town of Ossining. This district is an R-15 District with a 15,000 square foot minimum lot size. A small 1.2 acre portion of the Project Site is located in the Village of Ossining and is zoned S-50. This is a Single-Family Residence District with a 5,000 square foot minimum lot size. Multifamily uses are not permitted as-of-right in either district. Permitted, conditional, and accessory uses on the Project Site in the R-15

district are consistent with and listed under the zoning regulations pursuant to §200-7: R:40 “One-Family Residence District.” Permitted uses are one-family detached dwellings, not to exceed one dwelling on each lot, in addition to limited agricultural operations and municipal structure uses. The permitted uses by special permit upon approval by the Board of Appeals are places of worship, educational or general medical care institutions, public utility rights-of-way, annual membership clubs, one-story temporary structures for agricultural display, and cemeteries.

The Proposed Project meets the density requirements of the existing MF (Multifamily) zone (Section 200-16). The Proposed Project would require that the Site be re-mapped from the One-Family Residence (R-15) district to the Town’s Multifamily (MF) district.

In the Multifamily (MF) district, multiple dwellings are permitted subject to the following requirements:

- The maximum number of dwelling units in a group of row dwellings is six.
- The minimum distance between principal buildings shall equal two times the height of the highest building, and the minimum distance between a principal and an accessory building shall be 20 feet.
- Any inner court shall have a minimum dimension of 60 feet, and any outer court shall have a minimum dimension of 20 feet and a depth not exceeding its width.
- There shall be provided on the same lot a suitably equipped and landscaped children’s play area with a minimum of 400 ft.² for each dwelling unit.
- At least one third of the net site area shall be devoted to permanent open space and/or for sites suitable for recreation and undeveloped permanent open space shall be provided and guaranteed at a rate of 1500 ft.² per bedroom.
- The Planning Board shall follow the procedures and requirements set forth in Section 200 – 31, entitled “Cluster developments.”

- Construction shall be subject to the New York State Multiple Family Building Code.

In accordance with Section 200-22 of the Town Code, the following applies in the MF district for determining the number of lots permitted on the Site (see Table III.A-I in Section III.A.2.g for the bulk zoning requirements for the MF district).

The minimum lot area is 20,000 s.f. for both row or attached dwelling and multiple dwellings (row or attached dwellings is what is proposed for the Project). The minimum lot area per dwelling unit is 4,000 s.f. plus 1,500 s.f. per bedroom. The proposed project proposes 75 2-bedroom units and 20 3-bedroom units, for a total of 210 bedrooms. Multiplying this by 1,500 s.f. per bedroom equals 315,000 s.f. of lot area required for the proposed bedrooms. To this is added the 95 units times 4,000 s.f. of lot area required per lot, totaling 380,000 s.f. Adding this to the bedroom lot area requirement yields a total of 695,000 s.f.

This contrasts with the net lot area of the property of 686,186 s.f. as discussed in Section V.B and C of the SDEIS (the gross lot area is 779,179 s.f.). Section 176-18.F of the Town Code specifies that at least 75% of the minimum lot area requirement of a proposed lot is to consist of neither “wetland” nor “extremely steep slope” as these terms are defined in the Code. As noted elsewhere in the SDEIS, there is one wetland on the Project Site, which is situated in the Village of Ossining where no development is proposed. The wetland is 6,360 s.f. in area and is to be deducted from the area of the Site.

The property contains 86,633 s.f. of extremely steep slopes, defined in §167-2 of the Town Code as a slope equal to or greater than 35% and covering a minimal horizontal area of 0.10 of an acre.

The total deductions to the site area are therefore 6,360 plus 86,633 equals 92,993 s.f. or approximately 2.14 acres. The calculation of 779,179 s.f. of total site area

(including the portion within the Village of Ossining) minus 92,993 s.f. equals 686,186 s.f. or approximately 15.75 acres of net lot area for the Project Site.

Taking the net lot area and applying the MF district standards yields a shortage of 8,184 s.f. required for the proposed 95 units as configured. Removing a bedroom from 6 of the 3-bedroom units results in a total of 204 Project bedrooms, reducing the required bedroom open space by 6 times 1,500 s.f. which equals 9,000 s.f. Applying this 9,000 s.f. reduction to the 695,000 s.f. derived above yields 686,000 s.f., which is less than the 686,186 s.f. net lot area provided on the site.

The Project's 95 units are therefore comprised of 81 2-bedroom units and 14 3-bedroom units.

The Proposed Project is being designed to comply with the density requirements of the existing Multifamily (MF) district as discussed above. ~~At this time, it is not known if any waivers or variances from certain other dimensional requirements of the zone will be requested because~~ Although at this stage the plans have not been finalized because changes may occur during the SEQRA review process, it is anticipated the following potential waivers/determinations, and/or variances may be required. .- ~~The plans will be finalized at the time of site plan approval at which point any variances will be determined and reviewed.~~

a. Separation between buildings

Section 200-16.A(4)(b) of the Zoning code notes that as an additional requirement for row and/or attached dwellings in the MF Multifamily District, the Planning Board shall follow the procedures and requirements set forth in §200-31, entitled "Cluster Developments". The general purpose of this section of the Code is to enable and encourage flexibility of design and development of land (§200-31.A). Section 200-31.D(3) states that the Planning Board shall establish, on a case by case basis, the appropriate modifications of building and lot dimension

requirements as considered necessary or appropriate. If composed of attached dwelling units, a cluster development is to comply with the bulk regulations contained in §200-22 for the Multifamily Residence District, which are reflected in Table II.B-I, below. The table does not include a minimum distance between principal buildings requirement, and therefore this distance is subject to appropriate modifications of building and lot dimension requirements by the Planning Board, as discussed above. A variance would not therefore be required.

Table II.B-I
Zoning Table

<u>Description</u>	<u>Proposed Project</u>	<u>MF Multifamily District</u>
		<u>Row and Attached Dwellings</u>
Gross lot area (square feet)	779,179	--
Net lot area (square feet) ¹	686,186 ²	20,000
Net lot area provided per dwelling unit (square feet)	4,002 plus 1,500 per bedroom	4,000 plus 1,500 per bedroom
Lot width (feet)	979.5	20
Lot depth (feet)	665.5	100
Front yard (feet)	30.9	25
One side yard (feet)	50	50*
Both side yard (feet)	100	100*
Rear yard (feet)	40	40
Livable floor area per dwelling unit (square feet)	See below	See below
Studio and efficiency dwellings	N/A	450
One-bedroom dwellings	N/A	675
Two-bedroom dwellings	1,575	750
Three-bedroom dwellings	1,795	1,000
Four-bedroom dwellings	N/A	1,200
Usable open space as % of Net Lot Area	75% ³	33%
<u>Maximum Permitted</u>		

¹ As discussed in Section II. Project History and Proposed Project Description, subsection B of the SDEIS, Section 176-18.F of the Town Code specifies that at least 75% of the minimum lot area requirement of a proposed lot is to consist of neither “wetland” nor “extremely steep slope” as these terms are defined in the Code. The net lot area for the Site is 686,186 s.f. as calculated in Section II.

² Combined Town and Village portions of the Site.

³ 11.8 acres of open space are provided.

<u>Building Height</u>		
<u>Stories</u>	<u>2 ½</u>	<u>2 ½</u>
<u>Feet</u>	<u>26</u>	<u>35</u>
<u>Building coverage (percent)</u>	<u>18.9%</u>	<u>20%</u>

* Note: Applies only between buildings and side lot lines.

- b. Provision of a minimum of 400 s.f. of suitably equipped and landscaped children's play area for each dwelling unit.

As per the above discussion, this provision is not part of the Table II.B-I requirements and therefore is subject to Planning Board modifications. This provision is not considered appropriate for an age-restricted development such as the Proposed Project.

Relevance of "Spot Zoning"

The New York Court of Appeals has defined 'spot zoning' as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners."⁴ The Rodgers' Court went on to state that:

"...spot zoning is the very antithesis of planned zoning. If, therefore, an ordinance is enacted in accordance with a comprehensive zoning plan, it is not 'spot zoning,' even though it (1) singles out and affects but one small plot or (2) creates in the center of a large zone small areas or districts devoted to a different use."³

The real test for spot zoning is whether the zoning change is other than part of a well-considered and comprehensive plan calculated to serve the general welfare of the community.⁵ Two Appellate Division cases deal specifically with zoning changes to

⁴ Rodgers v. Tarrytown, 302 N.Y. 115 (1951); see also, Boyles v. Town Board of the Town of Bethlehem, 278 A.D.2d 688 (3d Dept. 2000). Rodgers v. Tarrytown, 302 N.Y. 115 (1951); see also, Boyles v. Town Board of the Town of Bethlehem, 278 A.D.2d 688 (3d Dept. 2000).

⁵ Collard v. Incorporated Village of Flower Hill, 52 N.Y.2d 594 (1981).

accommodate assisted living facilities. In both cases, the zoning amendments were upheld.

First, in *Boyles v. Town Board of the Town of Bethlehem*, CMI Senior Housing and Health Care petitioned the Town Board to rezone a parcel of land from “residence A” to a “planned commercial district” to allow for the construction of an assisted living residence. The Town Board adopted the proposed zoning change, paving the way for CMI to submit an application for building permit approval for the proposed assisted living facility. An Article 78 proceeding was commenced contending that the rezoning constituted “spot zoning.” The Boyles Court defined spot zoning as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of said property to the detriment of other owners.” In evaluating the claim of spot zoning, the Boyles court considered numerous factors, including “whether the rezoning is consistent with a comprehensive land use plan, whether it is compatible with surrounding uses, the likelihood of harm to surrounding uses, and suitability of other parcels, and recommendations of professional planning staff.”⁶

Finally, that Court stated that, “Ultimately, however, the inquiry distills to whether the change is other than part of a well-considered and comprehensive plan calculated to serve the general welfare of the community.” In reaching its determination that the rezoning was not spot zoning, the Boyles court, utilizing the criteria discussed above, determined that:

(i) parcel size alone is not determinative;

(ii) the assisted living use classification was not totally different from the surrounding land uses which included one and two family residences and apartment complexes, the Town Hall and Town Library;

⁶ *Boyles v. Town Board of the Town of Bethlehem*, 278 A.D.2d 688 (3d Dept. 2000).

(iii) the developer modified the plan to minimize its impact on the surrounding properties;

(iv) demographic studies and citizen comments demonstrated a need for such a facility in the community;

(v) that while the rezoning certainly will benefit the developer, it will also benefit the community at large; and

(vi) most significantly, the Town Board's decision to rezone is part of, and consistent with, a comprehensive plan to serve the general welfare of the community. Id.

Second, in Scarpato, Forest City Daly Housing petitioned the Village Board of Trustees of the Village of Lynbrook to rezone a parcel of land from Residence A to Commercial and to allow assisted living residences by special permit. The Village of Lynbrook adopted the proposed zoning amendment and approved the special permit.

Subsequently, neighboring property owners commenced an Article 78 proceeding challenging the rezoning. In reviewing the Village of Lynbrook's rezoning, the Scarpato court followed the long standing principle that "a Village must exercise its zoning power in accordance with a 'comprehensive plan.'"7

The Scarpato court went on to cite the seminal case for the proposition that: "[A] comprehensive plan need not be contained in a single document. Rather, all available and relevant evidence of the municipality's land use policies need be examined to determine whether a municipality has a comprehensive plan.8

⁷ See Stone v. Scarpato, 285 A.D.2d 467 (2d Dept. 2001).

⁸ Udell v. Haas, 21 N.Y.2d 463 (1968).

“Furthermore, [z]oning legislation is tested not by whether it defines a comprehensive plan but by whether it accords with a comprehensive plan for the development of the community. When a zoning ordinance is amended, the court decides whether it accords with a comprehensive plan in much the same way, by determining whether the original plan required amendment because of the community’s change and growth and whether the amendment is calculated to benefit the community as a whole as opposed to benefiting individuals or a group of individuals.”⁹

Since there is no requirement to adopt a new zoning district, and no amendment to the Zoning Code with respect to the existing district is being requested, the Town-wide impact of rezoning the Site has been eliminated. Any properties that otherwise meet the requirements of the Multifamily (MF) district can apply to be rezoned notwithstanding the Proposed Project.

2. Environmental Characteristics of the Site

i. Steep Slopes and Elevations

Approximately 53 percent or 9.6 acres of the Site has slopes in excess of 15 percent. Approximately 7.6 acres of slopes in excess of 15 percent will be disturbed by the Proposed Project. A detailed erosion control plan is included in the Stormwater Pollution Prevention Plan (SWPPP) (see Volume 2 Appendix)

⁹ Asian Ams. For Equality v. Koch, 72 NY2d 121 (1989).

to ensure that all steep slope disturbance (clearing/grading) does not result in the movement of soil in stormwater runoff and avoids erosion/sedimentation.

The topography of the Project Site has a high point at elevation 414 feet and descends in elevation to 305 feet towards the southeast corner. The existing Stony Lodge Hospital is located at the high point of the property.

ii. **Wetlands and wetland buffer areas, watercourse(s) and hydrology.**

Inspections by wetland specialists confirmed one small wetland of approximately 0.146 acres in size in the northeastern portion of the Project Site. The wetland is located entirely within the Village of Ossining. The wetland buffer in the Town portion of the Site is 0.496 acres in size. The inspections also confirmed that there was no vernal pool habitat on the Site. The wetland functional assessment found that the wetland primarily serves to modify groundwater discharge and water quality.

The Proposed Project will not encroach into the wetland or the wetland buffer.

Due to the variety of hydrologic sources on and off site and based on the detailed analysis contained in Chapter III.B, “Wetlands,” it is the Applicant’s conclusion that the Proposed Project is not expected to adversely impact the existing wetland, wetland buffer or the hydrologic levels.

iii. **Aesthetic Resources and Scenic Views**

The visual character of the Project Site will be in keeping with the surrounding homes and will be substantially buffered from surrounding properties by dense existing and proposed vegetation. However, instead of the three-story Main Hospital building being surrounded by eight other large hospital buildings, there will be instead, clustered two-story townhouses which will be lower in height.

The current buildings on the property—previously occupied by Stony Lodge Hospital—are located at the top of a hill and are partially visible from the west side of the property from Croton Dam Road. Existing buildings are shown in Figure 2-2. The northern boundary of the property has structures along the property edge (non-conforming) that are fully visible from the homes situated on Grandview Avenue, and these buildings will be razed and replaced with dense green buffer. Similarly, the southern boundary has hospital buildings situated near the property edge that can be viewed by the homes on both Second Avenue and Pershing Avenue, and these buildings will also be razed and replaced by dense green buffer. Lastly, the eastern boundary of the property has structures that are partially hidden from the immediate neighborhoods due, in part, to current landscaping. It is noted especially that neither Narragansett Avenue nor Pershing Avenue, nor the two dead-end streets closest to the Site including First Avenue and Second Avenue, provide views to the upper interior portions of the Site.

The properties adjacent to or near the Project Site to the north, east, west, and south, are developed with single-family residential houses. These residential houses are typically two to three story homes, with a driveway, a garage, a front yard, and a backyard. On the western side of the Project Site is a large property obscured from view by a stone wall and heavy woods. This property faces the Project Site, specifically the large greenspace on the Project Site along Croton Dam Road, and looks up at the former hospital buildings.

The roadways located adjacent to the Project Site range in character and scale. Croton Dam Road is a two-lane collector road connecting Route 9A and the Village of Ossining's downtown. The roads to the north, south, and east are two-lane neighborhood roads with on-street parking. Two residential roads (First Avenue and Second Avenue) dead-end at the limit of the Project Site. The Veterans Memorial Park is located to the east of the Project Site, with a parking lot accessible from Narragansett Avenue. This Park has three baseball fields, a playground, two soccer fields, an outdoor ice hockey rink, and a basketball court.

iv. **Flora and Fauna**

Vegetation

The Project Site consists of ten buildings, driveways, and parking areas interspersed within both maintained and naturally landscaped greenspace and green buffers. As illustrated by Table II.B-I, the largest portion of the Site is covered by early successional woods, periodically mowed fields, and maintained lawns with trees and impervious surfaces.

Table II.B-I
Existing Habitat Types

Habitat Type	Area (acres)	Percent of Site
Maintained lawn with trees	4.41	24.65
Oak-Maple woods	2.04	11.40
Periodically mowed field	3.82	21.35
Wetland	0.15	0.84
Early successional woods	4.49	25.10
Impervious surface	2.42	13.53
Building footprint	0.56	3.13
Total	17.89	100.0%
Source: AKRF GIS Data Analysis; JMC		
Note: Numbers may not add due to rounding.		

The Project Site includes several vegetative cover types (habitats). These include developed areas occupied by pavement and buildings; areas of maintained lawn with mature trees and ornamentals; areas of unmaintained field (mowed less frequently) with shrubs; a small herbaceous wetland, infrequently mowed; sloping deciduous hardwood forest; and more mixed deciduous wooded areas within the interior of the Project Site and along the periphery.

According to the Town of Ossining's Code (Chapter 183 "Tree Protection"), regulated trees include "any living, woody plant with an erect perennial trunk and a definitely formed crown of foliage with a diameter at breast height of six inches or more," unless otherwise specified.¹⁰

¹⁰ Town of Ossining Code, Chapter 183 "Tree Protection"

Approximately 701 trees with DBH of 6” and above were survey-located on-site, see Table III.E-2 and Figure 3.E-2 in Section III.E, and full-size Drawing C-011 “Tree Preservation Plan”. The tree survey includes diameter at breast height (DBH) for each tree and species name on the Project Site.

Fauna

According to the NYS Breeding Bird Atlas, there is a potential for 81 migratory bird species to occur on-site. (USFWS IPaC data indicate a potential for 27 species). Two of those species: sharp-shinned hawk (*Accipiter striatus*) and Cooper's hawk (*Accipiter cooperii*), are listed as NYS “Special Concern” species and do have the potential to forage on-site periodically, given the diversity of habitats and the availability of open fields. Both sharp-shinned and Cooper's hawks breed in deep forest, favoring conifers for nesting, but use open habitats and forest edges for hunting small birds and mammals. However, these two species nest in deep woods and therefore would not use this Project Site for nesting. Several bird species are listed in both the BBA and IPaC Trust Resource List. These are the blue winged warbler (*Vermivora pinus*), prairie warbler (*Dendroica discolor*), willow flycatcher (*Empidonax traillii*) and worm-eating warbler (*Helmitheros vermivorum*). These are unlisted species (not threatened, endangered or rare in NYS) that may pass through the Site during migration. While the Project Site contains the field edges and shrubby habitat that blue winged warbler and prairie warbler typically use for nesting, these species more typically nest in agricultural lands and regenerating forest. Willow flycatcher nests in willows near running water and worm-eating warbler nests in mature deciduous woods. Neither habitat is present on the Project Site.

Evidence of white-tailed deer (*Odocoileus virginianus*) and eastern cottontail (*Sylvilagus floridanus*) were noted throughout the Site. The Site provides decent edge habitat for these species. The eastern chipmunk (*Tamias striatus*), eastern

grey squirrel (*Sciurus carolinensis*), and domestic housecats (*Felis catus*) were also sighted.

According to the NYSDEC Herp Atlas, nine species of amphibians and five species of reptiles have the possibility of occurring on-site, based on their occurrence in the region. However, the lack of permanent standing water on-site makes it unsuitable for most of these species. Additionally, the Project Site's history includes grazing area for dairy farming and, during its more-than-a-century-long existence as a hospital, much of the property had expansive manicured lawns. No standing water was present within the on-site wetland during the October and December Site visits. Depending on the springtime water level in the on-site wetland, it may provide breeding habitat for American toad (*Bufo a. americanus*), Fowler's toad (*Bufo fowleri*), and northern spring peepers (*Pseudacris c. crucifer*). Other species, such as northern brown snake (*Storeria d. dekayi*) and eastern box turtle (*Terrapene c. Carolina*) (NYS Special Concern), and northern red-backed salamander (*Plethodon c. cinereus*) also have the potential to occur on-site, due to the mix of woodland and meadow habitats. No vernal pools are located on the Project Site.

Eastern box turtles prefer moderately moist deciduous forests and mixed forests, old field, meadow, and shrubland habitats (Klemens 1993, Gibbs et al. 2007). Eastern box turtles were not identified on the Project Site during Site inspection; however, the Site does provide some potentially suitable habitat.

Northern red-backed salamander was the only amphibian species confirmed on-site in two separate wooded areas during the field inspection. In addition to species sighted, it can be assumed that the Project Site provides habitat for other habitat generalist wildlife species, typically adapted to developed, suburban landscapes.

Correspondence received from the New York State Natural Heritage Program (NYSHN), dated November 14, 2016 (see Appendix E of the Former Project DEIS), indicated that there are no records of rare or state-listed animals or plants, or significant communities on-site or within the immediate vicinity.

US Fish and Wildlife Service Information for Planning and Consultation Service (USFWS's IPaC) report (most recently accessed June 22, 2021) revealed no federally threatened or endangered species as having the potential to occur on-site, and no critical habitats are listed.

v. Potential for contamination from on-site underground fuel tanks

A Phase I Environmental Site Assessment (ESA) was updated in May 2017 (see DEIS Appendix D). According to the ESA, no recognized environmental conditions (REC) nor controlled recognized environmental conditions (CREC) were found during the assessment of the property.

Underground Storage Tanks (USTs) and Above-Ground Storage Tanks (ASTs) have existed and currently exist at the Project Property. According to the ESA, one 1,500 gallon, one 2,000 gallon, and one 2,000 gallon #2 fuel oil USTs were closed in place (see documentation of tank closures contained in the Phase I ESA report included as DEIS Appendix D). There are four 275 gallon ASTs, two 300 gallon ASTs, and three 1,800 gallon #2 fuel oil USTs remaining in place, but not in service at the time of the inspection. Underground storage tanks that remain on the Project Site will be removed prior to beginning construction. Every storage tank (underground and above-ground) identified during the Phase I ESA will be removed prior to construction in compliance with applicable state and federal laws, rules, and regulations.

vi. Potential for contamination from any on-site hazardous waste

Due to the age of the property, there is potential that asbestos containing materials (ACM) are present. An Operations and Maintenance (O&M) Program will be implemented during construction of the proposed project in order to safely manage and remove any suspect ACMs located at the subject property.

The Phase I ESA identified one area of solid waste disposal. The area appears to be made up of vegetative debris and may require further investigation prior to commencing any Site disturbance. Lead-based paint and asbestos surveys may also need to be performed prior to Site disturbance and before demolition of the buildings commences. As is often found in older homes and buildings, any lead-based paint and asbestos found as part of this investigation will be removed in accordance with current regulations.

vii. Potential for contamination relating to the previous disposal of hospital and/or medical waste.

According to former Executive Director of Stony Lodge Hospital Inc., Kevin Czipo, as a residential facility, Stony Lodge did not generate typical hospital waste (see letter signed by Kevin Czipo in DEIS Appendix B). The hospital did not maintain an emergency room and would not admit patients with medical issues or potential complications. Further, Stony Lodge would handle and dispose of medical waste following applicable regulations using a specialized New York State-licensed company to remove any medical waste. All medical waste from Stony Lodge Hospital's operations was removed by a private carter. Nonetheless, in the unlikely event that areas of medical waste were found during construction or demolition, they will be removed in accordance with current regulations.

3. Components of the Proposed Project

The River Knoll project comprises 85 market-rate and 10 affordable for-sale condominium or PUD (Planned Unit Development) townhouse units. All 95 units will be age-restricted units pursuant to the Housing for Older Persons Act ("HOPA").

Ten affordable units are mandated by Article VI of the Town of Ossining's Zoning Code. The Proposed Project would provide a new and upscale housing community for residents age 55+ who wish to remain in Ossining and the Hudson Valley region.

The Project townhouse units will be in clusters of 2, 3, 4 and 5 attached units (Figure I-2). Eighty-one (81) units will be two-bedroom plus den units (1,575 square feet each), and fourteen (14) units will be three-bedroom units (1,795 square feet each) for a total of 95 dwelling units.

§200-29.A(1) of the Zoning Code requires for a multifamily use 2 parking spaces per dwelling unit plus 0.5 for each bedroom more than 2 bedrooms. For the above unit breakout, the parking required is 95 units times 2 spaces equals 190 spaces, plus 14 additional bedrooms times 0.5 spaces equals 7 additional spaces, for a grand total of 197 spaces required. 254 spaces are provided (127 garage spaces plus 127 driveway spaces).

As noted above, multiple-family and row and/or attached dwellings require at least 1/3 of the net site area to be devoted to permanent open space and/or for sites suitable for recreation as required by Section 200-16.A(2)(d), that there be provided on the same lot a suitably equipped and landscaped children's play area with a minimum of 400 square feet for each dwelling unit. This is not considered an appropriate recreational use for an age 55+ community such as the Proposed Project. Undeveloped permanent open space is to be provided and guaranteed at the rate of 1,500 square feet per bedroom. With a total of 210 bedrooms, the Proposed Project would therefore require 315,000 square feet of undeveloped permanent open space.

Approximately 11.8 acres (514,850 square feet) of undeveloped permanent open space is provided.

4. Vehicular Access and Circulation

Vehicular access will be provided at the same location as the existing Site driveway via a 26-foot-wide private roadway. Another Site roadway branches off to the north near the clubhouse, and bends around to the east and south to a cul-de-sac. The entry road proceeds to another cul-de-sac on the northeasterly portion of the Site. (see full-sized Site Plan drawings).

An emergency access is proposed between the cul-de-sac and Narragansett Avenue on the northeasterly portion of the Site. The proposed access is 15 feet in width, will be paved, and has a bollard and chain assembly at either end to prevent non-emergency vehicular access. However, pedestrian and bicycle use are anticipated.

A second emergency access with the same specifications is proposed between the westerly site roadway and Croton Dam Road on the northwesterly portion of the Site. Pedestrian and bicycle use are also anticipated. No sidewalks are proposed within the Site because of the low anticipated vehicular volume such that pedestrians may walk along the sides of the roadways.

5. Other components of Proposed Project

i. Vegetated Buffers

The existing hospital buildings on-site will be removed. Some of the currently disturbed areas will be converted to green buffers that help protect adjacent neighboring homes, particularly with homes on Grandview which currently have dilapidated Stony Lodge buildings on their property line, which will now have a green buffer and, similarly, the southeast portion of the Project Site has a maintenance building and administration building from the hospital that will be removed and benefit from new green buffers. The proposed buildings are designed to be reminiscent of the modern farmhouse architectural vernacular (see Figures 3.A-4a through 3.A-4f in Section III.A for project renderings). The Proposed Project will create and preserve approximately 11.8 acres (or 66% of

the entire Project Site) of open space, providing visual and natural resources benefits.

ii. Street Trees

Trees will be planted along the internal roadways of the Proposed Project.

iii. Landscaping

The Proposed Project would have landscaped buffers surrounding the perimeter of the Project Site. See full-size Drawing L-100 “Landscape Plan” included with this SDEIS which conceptually depicts the many deciduous and evergreen tree plantings that enhance the buffer screening along the perimeter of the Site adjacent to the residential uses. These green spaces will help buffer the surrounding single-family residential neighborhood from the Proposed Project, thereby helping to mitigate potential visual and noise conflicts, and providing enhanced greenery for the backyards of adjacent property owners.

The remainder of the Project Site that is to be disturbed and not contain impervious surfaces will be extensively landscaped.

iv. Lighting

Low intensity and dark-sky compliant lighting will be used for security and wayfinding. Minimal decorative down-lighting will be provided at the entrance to the Site.

Lighting fixtures will comply with dark sky requirements through the use of shielded and directional lighting, to minimize up-lighting and reduce unnatural lighting on nocturnal wildlife. Subsequent to the adoption of the proposed rezoning, an application for Site Plan Approval will be submitted with the specifications for all outdoor lighting along with an illustration and analysis of night-lighting trespass into habitats.

v. **Utilities**

As with the Former Project, the Proposed Project would create new demand for water that will be supplied to the Project Site by the Ossining Water Department, and wastewater that would be conveyed and treated at the Ossining Wastewater Treatment Plant. There is sufficient capacity in both systems to accommodate the Proposed Project, which has lower water and sanitary demand than the Former Project.

The Applicant is proposing water system improvements that are similar to those previously prepared in connection with the Former Project which would further improve the function and reliability of the Town/Village water system in the vicinity of the Project Site.

vi. **Recreation and Other Amenities**

The Project Site's townhouses are private and the Site is not accessible to the public for recreation purposes. The Proposed Project will offer numerous recreational amenities to residents of River Knoll including a fitness center with state-of-the-art exercise equipment, a yoga studio, a club room providing gathering areas and billiards, and both on-site walking paths and connections to surrounding walking trails. Outdoor amenities will include a swimming pool for residents, an outdoor kitchen for private entertaining, extensive landscaping, a dedicated dog walk, and a walkway to Veterans Memorial Park. Based upon the number and quality of recreational amenities to be provided, it is the Applicant's opinion that the Proposed Project will provide its residents with ample on-site recreation amenities and meet the demand for recreational needs.

As illustrated in Table III.E-2 within Section III.E of the SDEIS, permanent/passive open space will be provided on the Site with maintained lawn with trees (8.40 acres), Oak-Maple woods (0.66 acres), periodically mowed field (0.94 acres), wetland (0.15 acres), and early successional woods (1.67 acres). This totals 11.8 acres which is approximately 66% of the Site.

6. Maintenance of the Common Elements

Common elements will be owned and maintained by the Homeowner's Association (HOA¹¹) for use by the community. Condominium ownership is proposed, and the ownership, maintenance and preservation of the Project Site will be permanently assured by the filing of appropriate easements, covenants, and restrictions, and through the HOA of all property owners established in accordance with applicable law and pursuant to Section 200-31.H of the Town Zoning Code.

7. Plans and Timeline for ongoing maintenance of all proposed Mitigation for the Proposed Project

The plans and timeline for ongoing maintenance of common elements will be in accordance with the filing of appropriate easements, covenants, and restrictions, and through the HOA of all property owners established in accordance with applicable law and pursuant to Section 200-31.H of the Town Zoning Code.

8. Regulations and requirements of the Site's existing and proposed zoning designations.

The Proposed Project includes a petition to rezone the 16.68-acre portion of the Site located in the Town of Ossining from its R-15 single family zoning district designation to the Town's existing Multifamily Residence (MF) Zoning District. The R-15 zone permits single family homes on 15,000 square foot lots but does not permit multifamily

¹¹ The Homeowners or Community Association will likely take the form of a Condominium Association, with each individual condominium owner sharing an interest in the common elements of the Project Site.

housing. Accordingly, the Town's existing MF zoning district is proposed because multifamily townhouse development is permitted in this district.

Permitted, conditional, and accessory uses on the Project Site in the R-15 district are consistent with and listed under the zoning regulations pursuant to §200-7: R-40 "One-Family Residence District." Permitted uses are one-family detached dwellings, not to exceed one dwelling on each lot, in addition to limited agricultural operations and municipal structure uses. The permitted uses by special permit upon approval by the Board of Appeals are places of worship, educational or general medical care institutions, public utility rights-of-way, annual membership clubs, one-story temporary structures for agricultural display, and cemeteries.

The Proposed Project seeks to utilize the Town's existing MF Multifamily zoning district to accommodate the proposed use and the Site would be re-mapped from the One-Family Residence (R-15) District to the MF Multifamily District.

9. Project Purpose and Public Need and Benefits

The Proposed Project is designed to appeal to the empty nester segment of the Greater- Ossining population that seeks a more relaxed form of housing. This cohort (typically 55 – 80 years old) seeks to shed the responsibilities in maintaining a larger single-family home in which they raised their family, such as with typical chores like cutting lawns, cleaning gutters, repairing roofs etc. The Proposed Project will be held in a condominium association whereby all exterior maintenance is managed and performed by professional managers and contractors. This also affords more flexibility to the new owners as the managers can monitor their condominium homes should they be away for periods of time such as for traveling, including caring for any pets.

The Proposed Project's design will have the majority of the master bedrooms on the ground floor which is appealing to this cohort as they prefer the ease of living on one floor. The units will however offer the option for the addition of a small elevator to

serve the lower and upper floors. The units will all have dens/offices for those who want to work from home – a very much sought-after need during and likely extending after the pandemic. The option will also be provided in many units to add a second office if the owners need two work-from-home spaces.

Additionally, the greater-Ossining real estate marketplace currently offers no residential project that focuses on this large cohort. Other townhouse communities are older and dated. The Proposed Project offers the “freshness” of contemporary design, finishes, amenities, and construction quality. This Proposed Project will fill that void for this demographic.

10. Required Approvals

Table II-I
Reviews and Approvals

<u>Approval Required</u>	<u>Government Entity</u>
Zoning Map and Text Amendments	Town Board
Sewer District Extension	Town Board
Subdivision Approval	Planning Board
Steep Slope Permit	Planning Board
Tree Removal Permit	Planning Board
Site Plan Approval	Planning Board
Health Department Subdivision Approval	Westchester County Health Department
New York State Department of Environmental Conservation (NYSDEC) Stormwater Permit	NYSDEC
Water Supply Approval	Village of Ossining
Highway Work Permit	NYS Department of Transportation