

III.E Vegetation and Wildlife

I. Former Project

The Project Site was visited to inspect general habitat conditions, to identify the presence of water features and wetlands, to inventory the species of vegetation and habitat cover-types on-site, to conduct a cover-object search for amphibians, and to make opportunistic observations of wildlife species that frequent the site.

The Former Project noted the following invasive species on the Site, all within the open maintained areas and all Tier 4 species, which the NYSDEC recommends focusing on localized management over time to contain, exclude, or suppress to protect high-priority resources like rare species or recreation assets, and be strategic when deciding if/where to control: Japanese knotweed (*Polygonum cuspidatum*), Japanese honeysuckle (*Lonicera japonica*), Asiatic bittersweet (*Celastrus orbiculatus*), and mugwort (*Artemisia vulgaris*).

2. Proposed Project

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 III.E-I and in Figure 3.E-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 III.E-1
Existing ~~Vegative~~ Cover/Habitat Types

Vegetative Cover/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.

Approximately 701 trees with DBH of 6” and above were survey-located on-site (see Figure 3.E-2 and full-sized drawing C-011 “Tree Preservation Plan”).

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 specified¹. A Tree Permit from the Planning Board is required for the “Removal of any tree with a DBH of six or greater in any common open space (such as but not limited to a tree in a condominium project), buffer area, landscaped screening area or conservation area designated on an approved site plan, special permit or conditional use permit or on an approved final subdivision plat or

¹ Town of Ossining Code, Chapter 183 “Tree Protection”

construction plan.” The Applicant will request such a permit from the Planning Board during Site Plan Approval.

The Applicant will comply with the Town’s Tree Code Chapter 183 by providing the following as part of their request for a Tree Removal Permit, in accordance with Section 183-10.A.

A. The name and address of the property owner and applicant, if different.

B. The street address and Tax Map designation of the property.

C. A statement of authority from the owner of the property for any agent making an application.

D. The total amount of land area involved in the action.

E. The number of trees involved.

F. The purpose of the permit.

G. A survey of that area of trees or forest to be disturbed showing the location of all trees (to an accuracy of one foot) and indicating those trees to be removed and those trees to be preserved, their species, their diameter (DBH) and their health status.

H. Specifications for:

(a) The protection during development of trees to be preserved;

(b) Grade changes or other work within the dripline of trees to be preserved;

(c) The disposal of trees to be removed; and

(d) The replanting or planting of trees, specifying the location, species, size and completion date for said planting of trees.

(9) A statement that the property owner and applicant shall indemnify and hold the Town and its representatives harmless against any damage or injury in accordance with § 183-17, Inspection and indemnification, of Tree Code.

(10) An application fee and inspection fee in amounts as set forth in a current fee schedule established from time to time by resolution of the Town Board, unless the applicant for the tree removal permit is simultaneously applying for a building permit, in which case the building permit fee(s) shall take the place of the tree removal permit application fee; the inspection fee shall be required in either case.

Full-size Drawing L-100 “Landscape Plan” included with this SDEIS conceptually depicts the many deciduous and evergreen tree plantings that are to enhance the buffer screening along the perimeter of the Site adjacent to the residential uses.

§200-30.B of the Zoning Code prohibits artificial lighting facilities of any kind which cause illumination beyond the property line on which it is located in excess of 0.5 footcandle, or equivalent. The Project will have residential-style down-lighting that conforms with the Town requirements. There are anticipated to be no significant impacts to habits on the Site, of which there are no critical habitats, and the residential nature of the lighting will be in keeping with the neighborhood.

The New York State Natural Heritage Program (NYSHP) states on their website² that if a project site does not fall within an area displayed within the Environmental Resource Mapper’s³ Rare Plants and Rare Animals layer or in the Significant Natural Communities layer, then New York State Natural Heritage has no records to report in the vicinity of a project site. The website goes on the state that “*Submitting a project*

² [Request Natural Heritage Information for Project Screening - NYS Dept. of Environmental Conservation](#) -- Accessed 01/24/2022.

³ [Environmental Resource Mapper \(ny.gov\)](#) --Accessed 01/24/2022.

screening request to NY Natural Heritage is not necessary”.

No Rare Plants and Rare Animals or Significant Natural Communities were indicated on the Project Site as of a 01/24/2022 search of the Environmental Resource Mapper, and thus this completes the NYSHP assessment.

US Fish and Wildlife Service Information for Planning and Consultation Service (USFW’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.

3. Proposed Project: Potential Impacts

A total of 14.2 acres will be disturbed by the Proposed Project. As illustrated in Figure 3.E-3 and as shown in Table III.E-2, much of this disturbance will occur in areas of low ecological value occupied by existing buildings, drives and maintained lawn. The wetland will have no impacts.

Table III.E-2
Vegetative Cover/Habitat Impacts

<u>Vegetative</u> <u>Type/Habitat Type</u>	Existing (Acres)	Proposed Disturbance (Acres)	Post- Construction Habitats (Acres)
Maintained lawn with trees	4.41	4.20	8.40
Oak-Maple woods	2.04	1.38	0.66
Periodically mowed field	3.82	2.88	0.94
Wetland	0.15	0	0.15
Early successional woods	4.49	2.82	1.67
Impervious surface	2.42	2.33	2.92
Building footprint	0.56	0.56	3.15
Total	17.89	14.6	17.89
Note: Numbers may not add due to rounding.			
Source: AKRF GIS Data Analysis; JMC			

The Proposed Project will result in a net increase in impervious surface of

approximately 0.5 acres. Existing impervious surfaces (buildings/pavement) on the 17.89 acre site will be removed. In this way, a significant portion of the wooded periphery of the site to the north and east will remain undisturbed as well as a portion of the wooded steep slopes on the western-central portion of the site. In addition, no trees will be removed within the 100-foot buffer zone of the onsite wetlands. 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 and will now have a green buffer. 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.

Approximately 60% of the site trees with DBH of 6" or more will be removed to construct River Knoll and 40% will remain. A tree removal permit will be required as per Town of Ossining code.⁴ No trees will be removed within the 100-foot buffer zone of the onsite wetland.

Detention basins have been preferentially located in areas currently occupied by lawn to the maximum extent and away from the small on-site wetland (located primarily in the Village), and the wetland buffer (located within the Town).

Lighting fixtures will comply with dark sky requirements through the use of shielded, directional lighting that will minimize uplighting and will 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, and an illustration and analysis of night-lighting trespass into habitats will be provided.

4. Mitigation

⁴ Town of Ossining Code, Chapter 183 "Tree Protection"

As noted above, there were several invasive species noted on the Site, all of which were Tier 4 species. For Tier 4 species, the NYSDEC recommends focusing on localized management over time to contain, exclude, or suppress to protect high-priority resources like rare species or recreation assets, and be strategic when deciding if/where to control. As part of its maintenance of the landscaping, the Project HOA will regularly remove any invasive species that impact the landscaping.

The establishment and maintenance of erosion control measures (silt fence, mulch, and temporary sedimentation basins) during construction and the reestablishment of plant cover as soon as possible after construction would be employed to prevent the adverse effects of erosion and sedimentation. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared in compliance with the requirements of NYSDEC SPDES General Permit No. GP-0-20-001 for Stormwater Discharges from Construction Activity and Chapter 168, “Stormwater Management and Erosion and Sediment Control,” of the Code of the Town of Ossining. Erosion control measures employed during construction will conform to the New York Standards and Specifications for Erosion and Sediment Control (November 2016).

The Operator shall have a qualified professional conduct an assessment of the site prior to the commencement of construction and certify that the appropriate erosion and sediment controls, as shown on the Erosion & Sediment Control Plans, have been adequately installed to ensure overall preparedness of the Site for the commencement of construction. In addition, the Operator shall have a qualified professional conduct one site inspection at least every seven calendar days and at least two site inspections every seven calendar days when greater than five acres of soil is disturbed at any one time. It should be noted that any disturbance at any given time over 5 acres requires a “5-acre waiver” from the Municipal Separate Storm Sewer System (MS4).

A continuing maintenance program will be implemented for the control of sediment transport and erosion control after construction and throughout the useful life of the project.

Subsequent to the adoption of the proposed rezoning, a tree preservation plan to protect the existing trees to remain, vegetation and habitats during construction will be submitted as part of the application for site plan approval. At a minimum, the tree protection plan will include the following:

General Requirements—The Contractor is to protect, throughout the course of construction, all such trees as are shown on the Drawings or marked by the Owner's Field Representative as agreed to by the Town as "To be Saved" or "To Remain". The Contractor is also to protect throughout the course of construction all landscaping, vegetation and natural features on public and private property. The Contractor is to use every precaution to prevent injury, damage, pollution, erosion or destruction of existing landscaping, vegetation and natural features, including watercourses, drainageways, ponds, lakes, swamps, woods and fields.

Protection for Trees—The Contractor is to install and maintain a properly supported protective fencing around each tree or group of trees that is to be saved. The fence is to be installed at the drip line of the tree(s), which protects the tree roots, or as required by the Owner's Field Representative as agreed to by the Town. Where locations of trees are such that a protective fencing is impractical, as determined by the Owner's Field Representative, the Contractor is to install an approved armor type protection around the trunk of the tree(s) as shown in detail on the Drawings and/or as directed by the Owner's Field Representative. All protection for trees is subject to the approval of the Owner's Field Representative.

Grading and/or Filling Around Trees—Grading and/or filling operations within the protective fencing or adjacent to armor protected trees is to be carried on with extreme care as approved by the Owner's Field Representative. If the soil over the root area of the trees has been compacted, it is to be restored by the Contractor by proper cultivation to permit entrance of water and proper aeration of roots.

Cutting of Tree Roots and Limbs—Roots and limbs of trees are not to be cut unless authorized by the Owner's Field Representative. Should it become necessary to do so, the Contractor is to treat the remaining exposed portion of roots and/or limbs to prevent damage, loss or injury to the tree. All work is to be done in accordance with accepted horticultural practice and by personnel experienced in that field of work.

Damage—The Contractor is responsible for proper repair and/or restoration of all damage to existing trees, landscaping and natural features caused as a direct or indirect result of his operations.

p:\2015\15064\admin\sdeis\sdeis format\iii.e vegetation and wildlife sdeis.docx