

OPEN SPACE PLAN TOWN OF OSSINING, NY



Cedar Lane Park- Town of Ossining Photo
Credits: Nelson Pope and Voorhis

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**Hudson River
Valley Greenway**



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1. INTRODUCTION

1.1. OPEN SPACE PLANNING IN OSSINING

The Town of Ossining is an unincorporated Town in Westchester County, bordered by the Village of Croton-on-Hudson and the Town of New Castle to the north, the Village of Ossining and the Village of Briarcliff Manor to the south, and the Town of Mount Pleasant to the east. A small area of the Town borders the Hudson River to the west. The Town of Ossining is a “tight-knit commuter suburb”¹ 30 miles north of New York City, and members of the community have cultivated a unique ecosystem of cultural and historic resources in addition to the Town’s network of environmental assets.

A major theme resulting from the Town of Ossining Comprehensive Plan, adopted in May 2022, is that although the Town owns and maintains over 130 acres of parkland, many of these sites remain accessible only by car, and do not form a network of open space that feels cohesive. Ultimately, the Plan notes, “it is the community’s goal that a local resident could safely travel anywhere on foot or by bike within Ossining, and even to neighboring communities, enjoyably and in total safety.” As a result, the Town’s goal for Open Space and Natural Resources is as follows:

“Promote access to and regional connections between open spaces; protect and promote community stewardship of environmental assets such as parks, trees, streams, and wetlands; improve access to natural resources for recreation and public health benefits; and encourage the creation of new open spaces.”

While the Town and Village of Ossining are governed separately, they share many services, including the Recreation Department. The Town of Ossining owns and maintains over 130 acres of Town parkland and is home to another 80 acres of State parkland and 23 acres of County parkland (Map C). In addition, roughly 44 acres are owned by the Village of Ossining for drinking water protection of the Indian Brook Reservoir, the source of drinking water for the Town and Village of Ossining. As it is a small, generally built-out suburban community, many of Ossining’s opportunities for land and ecosystem conservation are focused near its northern boundary, where environmental resources in lower-density zoning districts span the municipal boundary between the Towns of Ossining and New Castle.

This Open Space Plan seeks to identify areas for conservation and policy tools for open space conservation and connectivity in the Town of Ossining. The Plan begins by providing an overview of plans and policies influencing or supporting open space decision-making in the Town and then delves into an inventory of environmental and open space resources within the Town. These existing conditions set the framework for the Open Space Plan, which ultimately identifies key parcels or areas for conservation, and suggests future land use policies and tools that the Town Board could consider employing in furtherance of Town goals.

1.2. METHODOLOGY

In preparing this Open Space Plan, existing conditions data were collected from the NYS Geospatial Information System (GIS) Clearinghouse, and the Westchester County GIS data portal. This data

¹ Town of Ossining Comprehensive Plan: Sustainable Ossining. Adopted May 2022. P. 30.

encompasses environmental resources mapped by NYS and other agencies, and tax parcel data collected by Westchester County and the Town of Ossining. The Westchester County Open Space Plan was a key source of data for parks and open space parcels in the Town of Ossining. Staff at the Town of Ossining and members of the Environmental Advisory Committee provided additional information on unprotected open space parcels and known conservation easements.

Vacant and privately owned parcels were then assessed for size and layout to determine whether they are “underdeveloped.” Developed parcels with land area greater than twice the minimum lot size of a zoning district were isolated and reviewed. The potential for future subdivision of the parcel was then assessed. For example, narrow flag lots were removed from the data set due to access limitations, and residences placed centrally on a large lot were also removed due to physical space limitations. Note that there may be parcels that were excluded from the “underdeveloped” category, which could still be subdivided, but the focus of this exercise was on parcels that exhibited land size and layout that made them easily subdividable.

Vacant parcels were similarly reviewed for their open space potential. Vacant lots located within existing subdivisions and/or which meet the minimum lot size requirements (and lot size criteria described above) were removed from the data set due to their limited open space contribution.

It was determined that open spaces such as Town, County, or State parks, schools, cemeteries, reservoir lands owned by the Village of Ossining, and known conservation easements, are considered “protected” open space given the unlikely or impossibility of future development. “Unprotected” open spaces are those large parcels that might be owned by private institutions, privately owned vacant parcels, and parcels deemed to be “underdeveloped” as described above.

The plan then compares the availability of “unprotected” open space to the goals of the Town of Ossining Comprehensive Plan, Westchester County Open Space Plan, and the MOGO Active Trail Plan to identify the tools that might be utilized to meet these goals.

1.3. EXISTING PLANS AND POLICIES

Local and regional planning has already been underway in the Town of Ossining and Westchester County. This Open Space Plan relies on the goals and objectives in the 2022 adopted Town of Ossining Comprehensive Plan, and supports the goals of the Westchester County Open Space Plan and the Millwood-Ossining GO Bicycle and pedestrian Connectivity Plan. In particular, many of these adopted plans were prepared with detailed public outreach and engagement, ensuring that the Open Space Plan is developed based on community consensus.

Environmental Advisory Committee

The Town of Ossining Environmental Advisory Committee’s (EAC) role is to advise on the development, management, and protection of the Town’s natural resources. The EAC provides recommendations on steep slope, clear-cutting tree permits, and wetlands permits. In addition, the EAC has taken the initiative to identify areas of opportunity to develop trails that will connect parks, trails, and other environmental resources within the Town of Ossining. This work has been incorporated into this document.

2022 Town of Ossining Comprehensive Plan

The Town of Ossining's Comprehensive Plan, Sustainable Ossining, was adopted in May of 2022. The Plan calls for an interconnected network of complete streets and enhanced connectivity between open spaces, trails, and other natural resources both within Town and regionally. It recommends the development of a community preservation fund to enable the protection of additional open spaces and encourages the expansion of housing opportunities, balanced with the preservation of open space. To this end, the Plan recommends that the Town of Ossining should review cluster subdivision regulations and / or create open space conservation development regulations that would promote and expand the use of clustering as a means to conserve open space for new subdivisions. It further recommends partnering with landowners to create conservation easements in ecologically sensitive areas.

Specifically, the Plan calls for the following:

- **Objective 1:** Provide safe and convenient travel along and across the street network by all users (Connectivity and Mobility)
 - **1.2-** Explore the development of a community preservation fund (funded by a real estate transfer tax but structured not to impede the development of affordable housing) to enable the protection of additional open space and natural resources.
 - **1.3-** Make efforts to create or expand open spaces and trailway connections between Unincorporated Ossining's existing open spaces and parklands.
 - **1.4-** Improve and expand walking and bicycling paths both between and within parks and open spaces.
 - **1.5-** Diversify programming and infrastructure in Unincorporated Ossining's parks to support environmental stewardship and a range of active and passive recreational uses such as reading, sports, and community gardening.
 - **1.6-** Partner with landowners to create conservation easements in ecologically sensitive areas.
 - **1.8-** Further safeguard the Town of Ossining's Indian Brook and Croton River Watersheds by developing a conservation overlay zone, as have been enacted by neighboring municipalities. *[This has been partially addressed through adoption of the Indian Brook-Croton Gorge Watershed Protection Overlay]*
- **Objective 2:** Protect and enhance natural environments and habitats in Unincorporated Ossining. (Open Space and Natural Resources)
 - **2.9-** Evaluate and develop passageways for both land-based and aquatic life in accordance with NYS DEC wildlife crossing guidelines.
- **Objective 2:** Balance development with the conservation of open spaces (Housing, Development, and Preservation)
 - **2.1-** Due to the community's concerns of conserving its natural resources and its remaining open space, vacant land, and large properties, Unincorporated Ossining should review cluster subdivision regulations and / or create open space conservation development regulations that would promote and expand the use of clustering as a means to conserve open space for new subdivisions.
- **Objective 5:** Enhance connectivity to and between open spaces, trails, and other natural resources. (Connectivity and Mobility)

- **5.2** Develop an open space corridor connecting Ryder Park through the Briarcliff-Peekskill Trail to Teatown Lake Reservation.
- **5.3** Evaluate the feasibility of creating a railway connection between Ryder and Gerlach parks.

Westchester Open Space Planning 2033 Initiative

Westchester County developed an open space inventory and map containing 12 categories of open space within two broader categories, public or privately owned lands that are permanently protected, or lands that exhibit open space character but are not permanently protected from development.

The County has a goal of building “on its past open space preservation efforts to ensure that our treasured open spaces, whether they are scenic vistas, lush woodlands, parks or recreational areas, will continue to be a defining characteristic” of the County². The County also seeks to increase access to public space for all of its residents. Westchester created the following policies for identifying lands to be acquired or otherwise protected:³

Policy 1. Open Space Character - It shall be the policy of the County to encourage preservation of open space as an important element in shaping Westchester’s development pattern and in preserving its aesthetic and environmental quality.

Priorities: The county will give high priority to maintaining open space elements that:

- Define and separate concentrated centers and development corridors.
- Shape the direction of future land use patterns.
- Provide buffers between developed communities and limit urban sprawl.
- Protect unique environmental resources.
- Provide space for active and passive recreation.
- Protect scenic views and provide public access to the waterfront.

Policy 2. Recreation - It shall be the policy of Westchester to provide opportunities for active recreation (e.g.) athletic fields, swimming, golf, etc. as well as for passive recreation uses such as hiking and nature study.

Priorities: Within its spending constraints, the County will give high priority to properties that are close to concentrations of population, and which provide appropriate recreational opportunities not otherwise available or accessible.

Policy 3. Linkages - It shall be the policy of the County to continue to provide open space linkages that form a connected system of parklands in the tradition of Westchester’s major parks, parkways and regional railway system.

Priorities:

- Properties which create or enhance linkages or linear parks between communities, or serve as open space routes connecting state, county, and municipal parks for pedestrians, bicyclists, or similar uses.
- Properties that connect state, county, or local parks to each other.

² <https://planning.westchestergov.com/open-space>

³ <https://planning.westchestergov.com/open-space/policy>

- Properties, which allow for alternate means of transportation between centers.

Policy 4. Waterfront - It shall be the policy of the county to acquire or otherwise seek to protect suitably sized properties along the Hudson River and Long Island Sound shorelines for public access, public use and scenic enjoyment.

Priorities:

- Waterfront properties on Long Island Sound or the Hudson River offer potential for public access, waterfront recreation, or scenic vistas.
- Waterfront properties with deteriorating, substandard or incompatible development that can be reclaimed for open space or park use.
- Properties having unique natural features or which offer unusual recreational opportunities.
- Properties which may foster local revitalization and economic development opportunities at or near the waterfront.

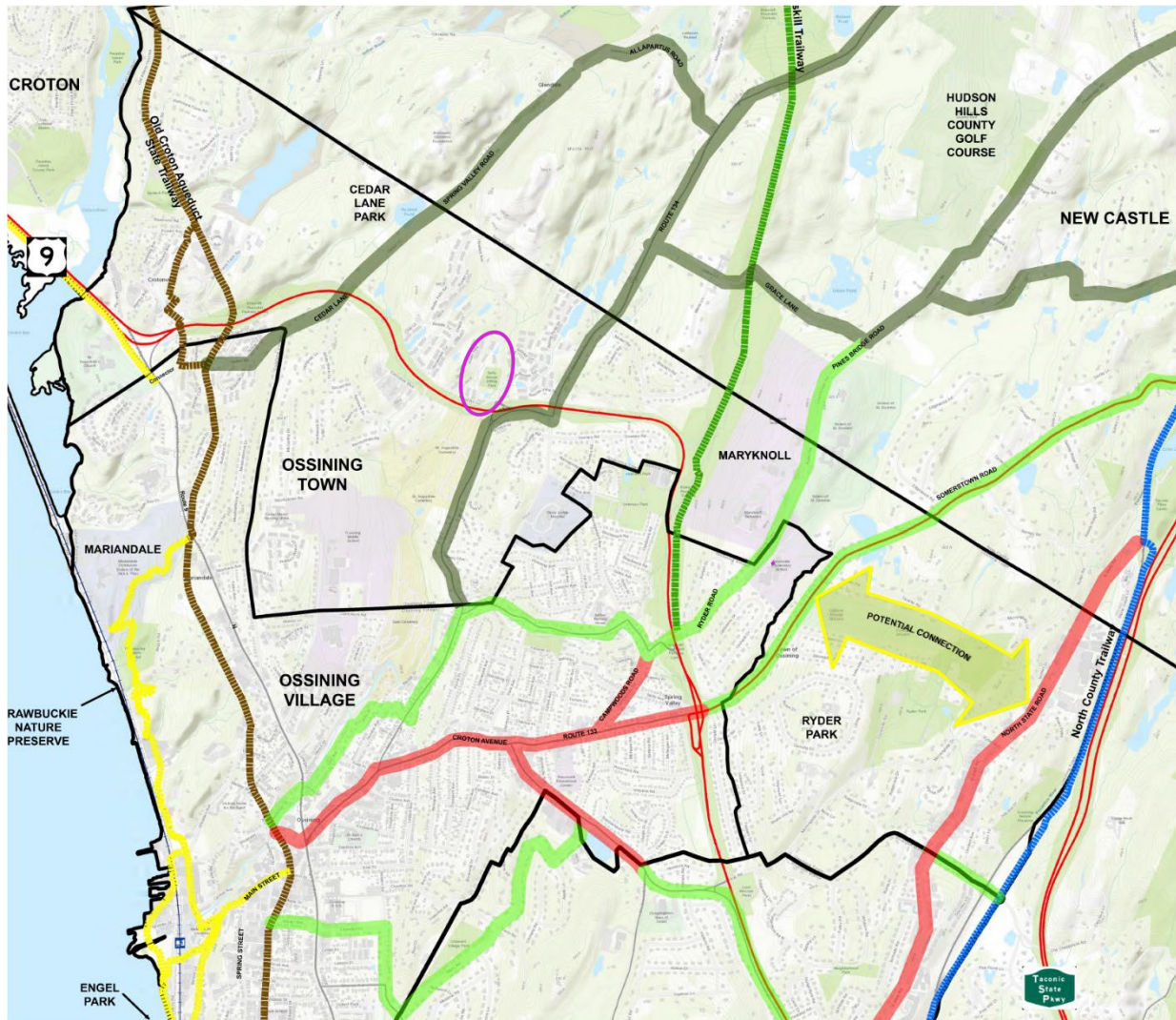
Policy 5. Environmental Resources - It shall be the policy of the County to facilitate the protection and preservation of properties that the County has identified as having special natural, scenic or environmental significance.

Priorities:

- Properties which protect water quality, including groundwater supplies.
- Properties that lie along shorelines or reservoirs.
- Wetlands, floodplains, and streamside buffers.
- Prime agricultural land.
- Properties that offer potential for reclaiming wetland and other environmentally sensitive lands that have already been altered or adversely affected.
- Properties which provide exceptional habitats for plants, fish and wildlife species, provide critical habitat linkages or which can be reclaimed to provide for biodiversity or other environmental needs.

Millwood-Ossining GO Bicycle and Pedestrian Connectivity Plan

Developed in 2018, the Millwood – Ossining GO, MOGO, Bicycle and Pedestrian Connectivity Plan identified potential connectivity routes through and between the Village of Ossining, the Town of Ossining, and the Town of New Castle’s recreation areas, trails, parks, historic places, tourist and business destinations. While there are currently numerous north-south bicycle and pedestrian trails, the plan found that there are not sufficient east-west connections of trails, recreational, and commercial resources. The plan highlighted potential streets that, if modified for bike travel, could increase connectivity and accessibility of these resources. Streets were identified by bike rider levels to accommodate all levels of riders. The map below displays the proposed new routes. Only new north-south routes are identified in the Town of Ossining, but new east-west routes south of the Town could connect further north.



Source:
mogo **PROPOSED TRAIL MAP**
 Millwood-Ossining GO!

Existing Trails

- ▬▬▬▬▬ Briarcliff Peekskill Trailway
- ▬▬▬▬▬ North County Trailway
- ▬▬▬▬▬ Old Croton Aqueduct State Trailway
- ▬▬▬▬▬ RiverWalk

Proposed Bike Path Network

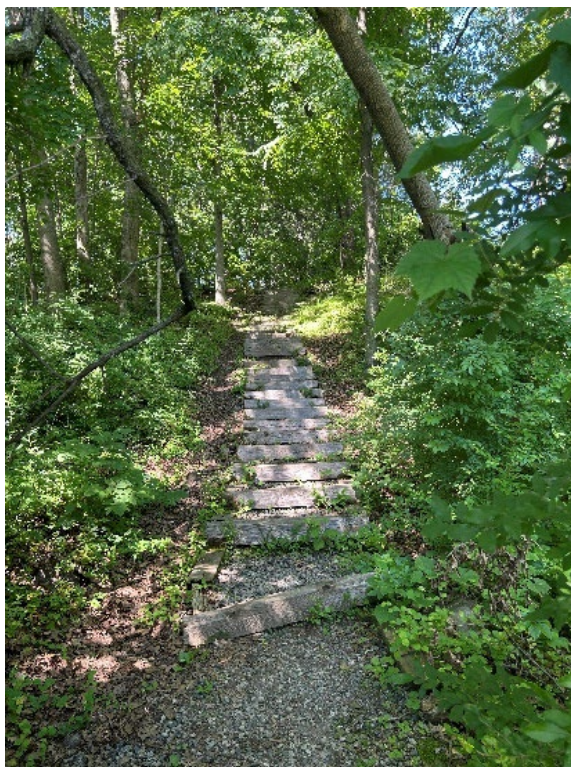
- ▬▬▬▬▬ Advanced Cyclist
- ▬▬▬▬▬ Commercial Area
- ▬▬▬▬▬ Recreational Rider

Figure 1: MOGO Proposed Trail Map, adapted from Plan.

Greenway Compact

The Town of Ossining has adopted the Westchester County Greenway Compact, memorialized in Chapter 24 of the Town Code. The 1991 Hudson River Valley Greenway Act of 1991 created a process for voluntary regional cooperation that border the Hudson River to promote the goal of “the preservation, enhancement and development of the world-renowned scenic, natural, historic, cultural and recreational resources of the Hudson River Valley.” The Compact outlines five criteria for Greenway Communities:

1. Protect, preserve and enhance natural and cultural resources including natural communities, open spaces, historic places, scenic areas and scenic roads.
2. Encourage communities to work together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development, public access and heritage and environmental education.
3. Encourage economic development that is compatible with the preservation and enhancement of natural and cultural resources with emphasis on agriculture, tourism and the revitalization of existing community centers and waterfronts.
4. Promote increased public access to the Hudson River and important local resources through the creation of parks and the development of the Hudson River Valley Greenway Trail System and the Hudson River Greenway Water Trail with linkages to the natural and cultural resources of the Valley.
5. Promote awareness among residents and visitors about the Valley’s natural, cultural, scenic and historic resources.



The Old Croton Aqueduct Trail- Town of Ossining

Photo Credits: Nelson Pope and Voorhis

2. OPEN SPACE INVENTORY

2.1. ENVIRONMENTAL RESOURCES

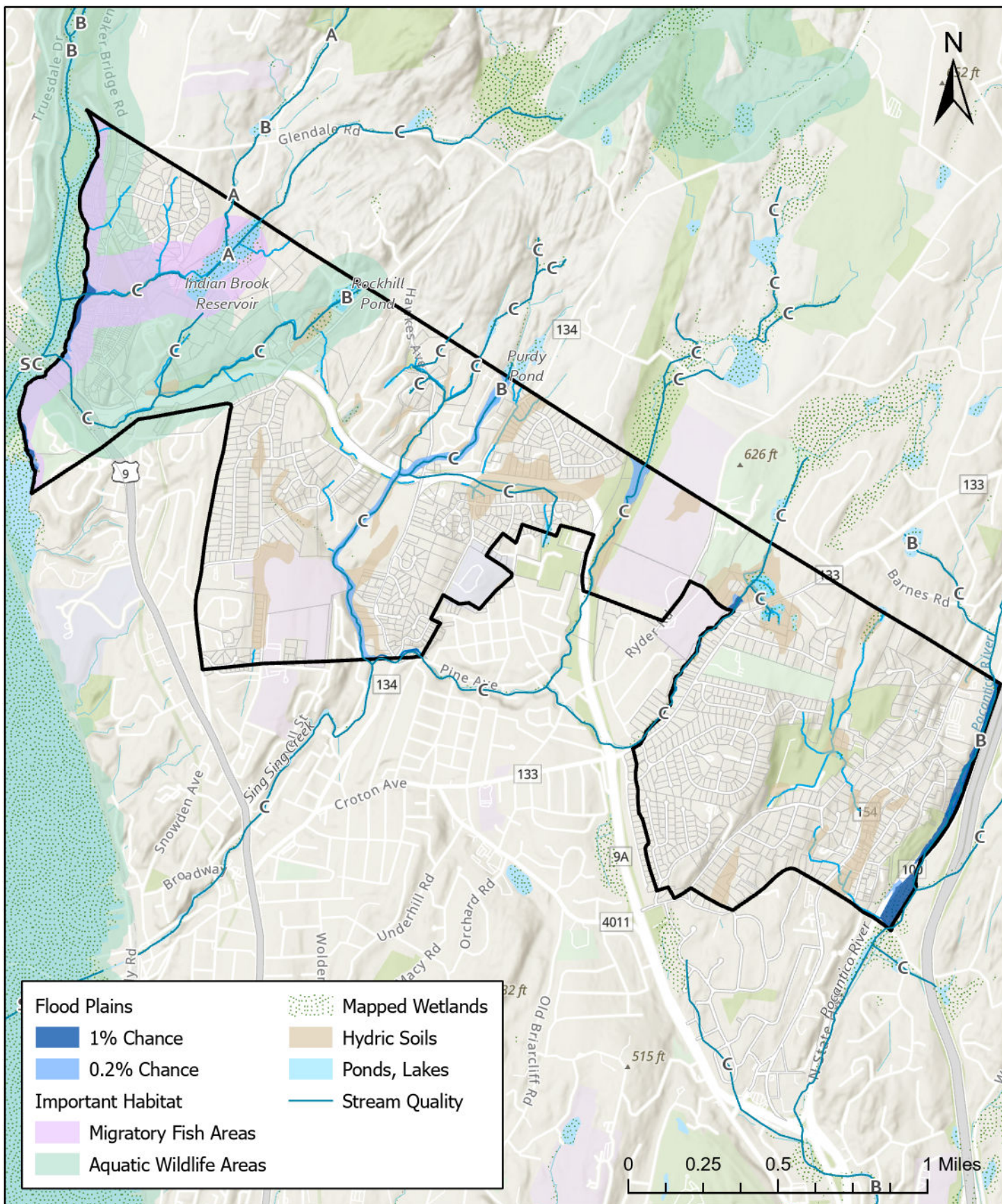
Environmental resources in the Town of Ossining include surface waters such as wetlands, streams, lakes and ponds; floodplains; steep slopes, and forest cover. These resources serve numerous functions such as the provision of suitable habitat for plants and animals, managing and mitigating stormwater runoff, providing drinking water, and use for active and passive recreation. These resources also impact, or are impacted by, human development.

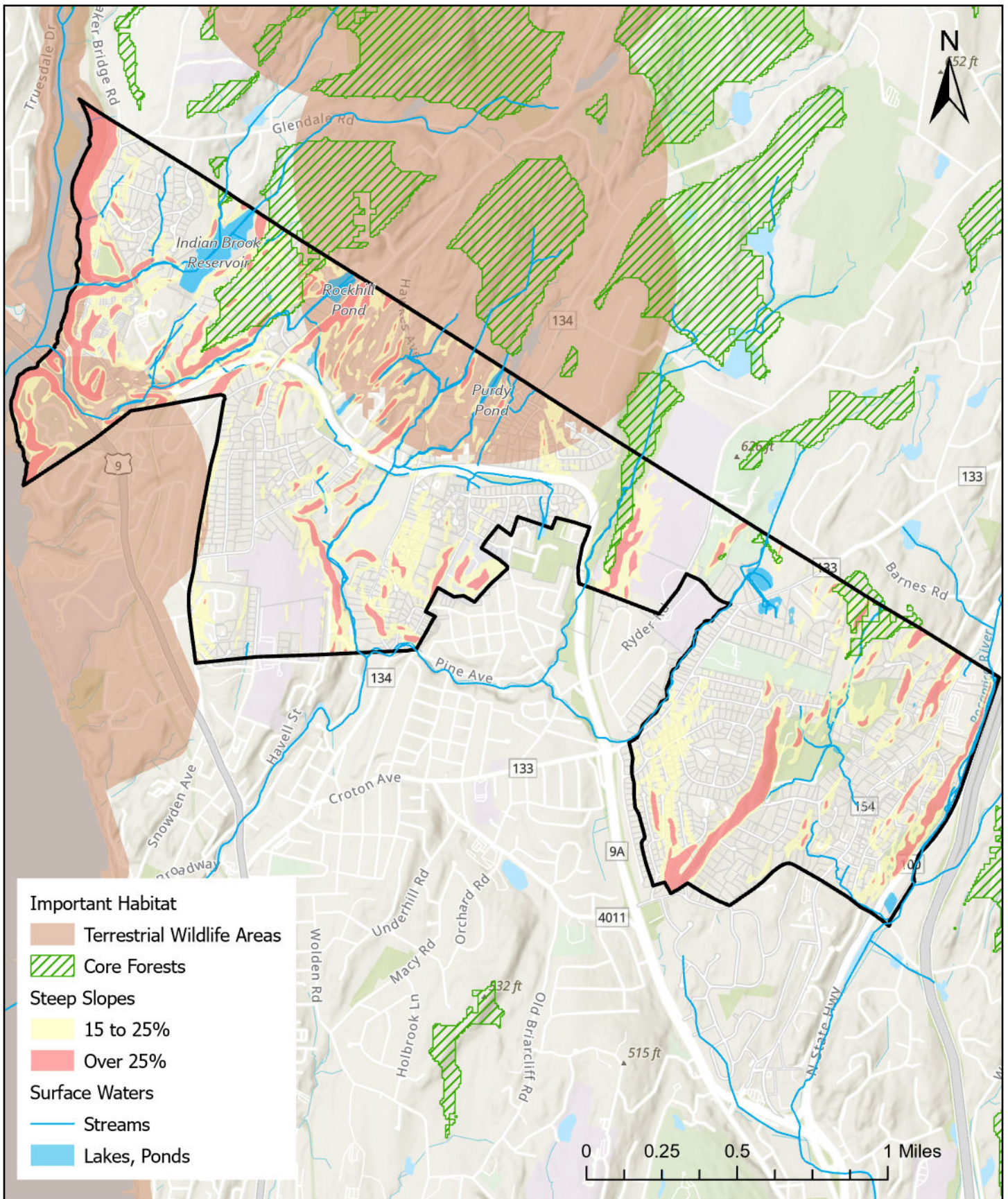
The environmental resources in the Town of Ossining are shown in Map A, Water Resources, and Map B, Terrestrial Resources, and are discussed in detail in this section.



Ryder Park-Town of Ossining

Photo Credits: Nelson Pope and Voorhis





Map B Terrestrial Resources

Sources: Westchester County GIS,
NYS GIS Clearinghouse 2024

Open Space Plan
Town of Ossining

Surface Water Resources

A watershed is the delineation of surface water features, mapped by identifying the high points that separate the flow of water into separate basins. A watershed can be mapped at varying scales, which the US Geological Survey defines, from largest to smallest, as regional, subregional, basin, subbasin, watershed, and subwatershed. All of Westchester County and most of the lands to the north and east contribute to the Lower Hudson River drainage basin.

Surface waters in the Town of Ossining are part of four drainage basins according to Westchester County: Indian Brook, Oliver Pond, Pocantico, and Lower Hudson River. All three of these basins drain into the Hudson River and contribute to the Hudson River watershed.

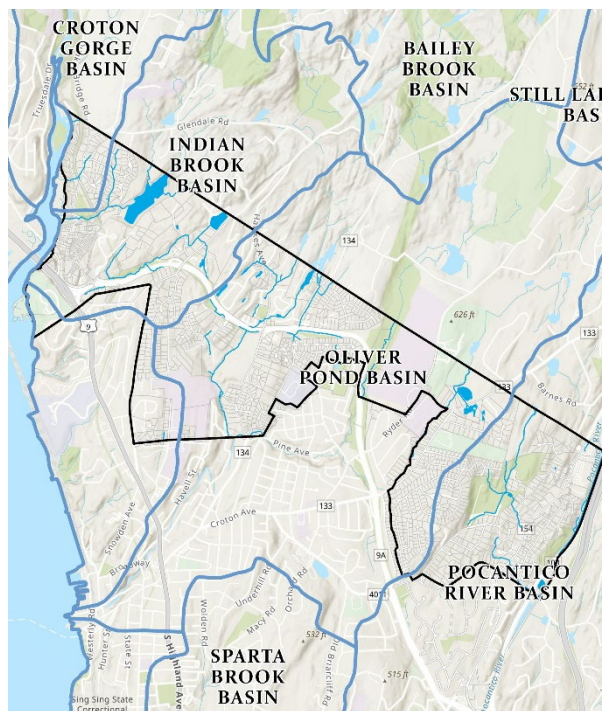


Figure 2: Town of Ossining Drainage Basins.
Source: Westchester County GIS.

Wetlands

Wetlands are areas saturated by water sufficient to support distinctive vegetation adapted for life in saturated soil conditions. In the Hudson River estuary watershed, there are many types of wetlands, including emergent marsh, wet meadows, forested and shrub swamps, vernal pools, floating and submerged vegetation, and open water, as well as tidal wetlands. These provide important habitats for plants and animal species and provide essential benefits to people and communities, such as the control of flooding, water filtration, and providing recreational opportunities.⁴

In 1972, the US Clean Water Act was enacted to implement pollution control programs and national water quality criteria for the release of pollutants into waters of the United States. Soon after 1975, New York State established the Freshwater Wetlands Act, upheld and enforced by the NYS Department of Environmental Conservation (NYS DEC, DEC).

The regulation of wetlands in the Town of Ossining is split into three categories:

- NYS Department of Environmental Conservation (DEC) Jurisdictional
- US Army Corps of Engineers (ACOE) Jurisdictional
- Non-Jurisdictional/local control

Disturbances to jurisdictional wetlands are regulated and permitted by either the US Army Corps of Engineers or the NYS DEC pursuant to the United States Clean Water Act and NYS Freshwater Wetlands Act, respectively.

⁴ Hudson Valley Natural Resource Mapper. Accessed December 12, 2024.
<https://gisservices.dec.ny.gov/gis/hvnrm/layerInfo.html#nwi>

DEC jurisdictional wetlands have historically been defined as any wetland 12.5 acres in size or greater, or which contain significant or unique ecological features and have been included on official maps created by the Department. These regulations also require a 100-foot protective adjacent area within which disturbances must be permitted by the Department.

The NYS Freshwater Wetlands Act was amended effective January 1, 2025, and now includes the protection of any wetlands greater than 12.4 acres in size and smaller wetlands of “unusual importance,” whether or not they have been previously mapped. The updated process requires all wetlands to be submitted for a jurisdictional determination through the DEC website. Further, wetlands of “unusual importance” now encompass wetlands of any size within an urban area defined by the US Census Bureau. The Town of Ossining is considered an urban area, and therefore, all wetlands in the Town may be subject to Article 24 regulations.

Wetlands previously mapped by the NYS DEC in the Town of Ossining are limited to a small area along the St. Augustine’s Church Riverfront. Just north of the Town boundary, two DEC wetlands feed an eastern and western tributary of the Sing Sing Creek, which runs south through the Town and into the Hudson River. A very small portion of previously mapped DEC wetland is also located in the southwestern corner of the Town, along the Pocantico River. A complete field survey of the Pocantico River and its tributaries is necessary to see the full extent of this water system.

Other wetland areas in Ossining are generally co-located with previously mapped DEC wetlands or existing lakes, ponds, and streams. A wetland area is shown south of Rockhill Pond, along with a cluster of surface waters and hydric soils spanning Route 133/Somerstown Road, and north of Ryder Park.

The Town of Ossining regulates disturbances to non-jurisdictional wetlands through Chapter 105 of the Town Code. With this law, wetlands are defined as “all areas that comprise of hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation.” The term “wetland” in this chapter includes watercourses and water bodies as well. This regulation requires the delineation of wetlands and enacts a buffer area of 100 feet from an isolated wetland, and 50 feet from a watercourse or running stream.

Many of the mapped hydric soils in Ossining are in areas that are already developed, such as along Route 154/N. State Road, East of Ossining Middle School, spanning the Briarcliff-Peekskill Parkway and south of Purdy Pond. As noted above, a potentially large wetland and surface water complex is also present spanning Route 133/Somerstown Road, containing a mix of wetlands and hydric soils.

Surface Waters

Surface waters in the Town of Ossining are protected in a similar manner to wetlands, with Federal, State, and local protections. In New York State, the water quality standards program is a state program with federal (U.S. EPA) oversight. New York's longstanding water quality standards program predates the federal Clean Water Act and protects both surface waters and groundwaters. All waters in New York State are assigned a letter classification that denotes their "best uses" (e.g., fishing, swimming, source of

drinking water). Letter classes such as A, B, C, and D are assigned to fresh surface waters, and SA, SB, SC, I, and SD to saline (marine) surface waters.⁵

This section outlines the prominent surface waters in the Town of Ossining, including water quality classification.

Croton & Hudson Rivers

The most prominent surface water feature in the Town of Ossining is the outlet of the Croton River where it meets the Hudson River and forms the eastern boundary of the Town. The Croton River in this location is classified as class SC, meaning the water is saline, and best suited for fishing and may be appropriate for swimming and boating based on appropriate environmental conditions.

The Hudson River in this location is classified as SB, meaning saline waters are best used for fishing, boating and fishing, however, the use of the River for these uses is documented as impaired by NYS due to elevated levels of PCB's, dioxin, heavy metals and other toxins, as well as ecological impacts from overfishing, invasive species predation, and other pressures from the surrounding urbanized environment.⁶

Indian Brook, Indian Brook Reservoir

The Indian Brook Reservoir (Class A) is the drinking water source for the Town and Village of Ossining, and is surrounded by forest lands owned by the Village. The Reservoir is fed primarily by the Indian Brook (Class C) and a Class A tributary fed by the Clifton Pond in the Town of Cortlandt. Class A waterbodies are suitable for drinking water or meet the NYS Department of Health drinking water standards for safe drinking water after necessary treatment. The Indian Brook continues as a Class C stream from the Reservoir, and runs east to the Croton River, crossing through Gerlach Park at its southern end.

Rockhill Pond/ Stream

Rockhill Pond is a Class B Pond located west of the Indian Brook Reservoir within Cedar Lane Town Park. Class B waters are suitable for swimming, boating, and fishing. An unnamed Class C stream runs south from here and runs primarily underground once it reaches the Briarcliff-Peekskill Parkway and enters the Croton River. A small tributary west of the main Rockhill stream branch is shown on Map A. However, aerial images show that this stream runs almost entirely underground just south of the Reservoir. Its source waters are therefore unclear.

Sing Sing Kill Tributaries

Three major branches of the Sing Sing Kill span the Town of Ossining from east to west. Purdy Pond is a Class B Pond fed by a forested wetland and stream complex located north of Ossining in the Town of New Castle, partially protected by Sunny Ridge preserve. The southern end of Purdy Pond is dammed, and a Class C stream runs between a series of multifamily developments and lands managed by homeowners' associations. It then runs through Sally Swope Sitting Park and Saint Augustine Cemetery,

⁵ NYS DEC Water Quality Standards and Classifications. Accessed December 12, 2021. <https://dec.ny.gov/environmental-protection/water/water-quality/standards-classifications>

⁶ Priority Waterbody List: Fact Sheet 1301-0094, Hudson River (Class SB) portion. Revised June 30, 2008. Accessed December 12, 2024. <https://extapps.dec.ny.gov/data/WQP/PWL/1301-0094.pdf>

continuing east of Ossining Middle School before joining with three other tributaries to form Sing Sing Kill, emptying into the Hudson River at the Ossining Village Park.

The eastern branch of the Sing Sing Kill in the Town originates near Oliver Pond and a large wetland complex in New Castle, and is comprised of two tributaries, both Class C streams. The western part of these is protected by the Briarcliff-Peekskill Parkway and County Park. The eastern branch runs through the Maryknoll Conservation Easement.

All three stream complexes meet at the southern Town boundary east of Ossining Middle School, to form Sing Sing Kill, which discharges into the Hudson River near the Ossining Village Park.

Steep Slopes

The Town of Ossining regulates development on steep slopes in Chapter 167 of the Town Code, development on which requires local permits. Slopes are defined as follows:

- **Moderately Steep Slope:** A slope equal to or greater than 15% but less than 25% and covering a minimum horizontal area of 3/10 of an acre (13,068 square feet).
- **Very Steep Slope:** A slope equal to or greater than 25% but less than 35% and covering a minimum horizontal area of 2/10 of an acre (8,712 square feet).
- **Extremely Steep Slope:** A slope equal to or greater than 35% and covering a minimum horizontal area of 1/10 of an acre (4,356 square feet).

Map B shows Moderately Steep Slopes, and Very and Extremely Steep Slopes combined into a single category of 25% or greater. The presence of steep slopes tends to limit development in a community due to the cost of engineering, and the environmental impacts due to stormwater runoff carrying sediment into downstream waters, exacerbating erosion and de-stabilizing soils over time.

Large areas of steep slopes exist along the Hudson and Croton River shoreline, the banks of the Indian Brook and Rockhill Pond streams. Steep slopes are also prominent in the vicinity of Hawkes Avenue and east of St. Augustine Cemetery, east of Maryknoll Seminary, east and south of Ryder Park, and along the Pocantico River on the western boundary of Town. Many of these areas are within lands that have already been developed or are located on protected lands (Map C).

Species and Habitats

Critical Environmental Areas

Critical Environmental Areas (CEAs) are areas in New York State that have been designated by a local or state agency to recognize a specific geographical area with special characteristics. Ossining contains three (3) CEA's: The Indian Brook Reservoir CEA, Hudson River CEA, and County and State Parkland CEA. All of these have been designated by Westchester County for their exceptional or unique character. These are shown on Map C: Parks and Protected Lands, as they serve as an extra layer of protection if private development subject to NYS Environmental Quality Review (SEQR) is proposed within their boundaries. Lands within the County and State Parkland CEA in the Town are also owned, managed, and protected by Westchester County as public open space.

Endangered & Threatened Species

The lands, forests, and surface waters in the Town of Ossining are home to a host of species, some of which are classified as endangered or threatened by the US Fish and Wildlife Service or New York State. Table X shows the endangered and threatened species that can be found, or which habitat can be found, in the Town of Ossining. Map A shows important habitat for migratory or “anadromous” fish and aquatic wildlife, while Map B shows important areas for terrestrial wildlife based on NYS Natural Heritage Program (NYNHP) records. This encompasses areas where animals have been observed, or areas that support critical habitat for those animals. In Ossining, these are co-located with forest patches, protected lands, and lower-density development areas.

TABLE I: ENDANGERED OR THREATENED SPECIES IN OSSINING			
Species	Threatened	Endangered	Notes
Indiana Bat (<i>Myotis sodalis</i>)		USFWS/ NYS	Indiana and Northern Long-eared Bat are endangered throughout the USA due to a disease called white nose syndrome. Fragmented summer foraging habitat and tree removal further threatens this already fragile species.
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)		USFWS/ NYS	
Bog Turtle (<i>Glyptemys muhlenbergii</i>)		USFWS/NYS	The bog turtle is found in open, early successional habitats such as wet meadows dominated by sedges or sphagnum moss. It requires habitats with a good deal of sunlight for basking and nesting. Invasive plants can quickly invade such areas resulting in the loss of habitat. 61% of the known bog turtle habitats in NYS are known to support surviving populations. Pesticide contamination and industrial discharge are also known to negatively affect the bog turtle and its habitat.
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	NYS		Bald eagle populations in New York are growing thanks to conservation efforts, though they remain threatened as their populations continue to expand while managing human impacts. They are known to hunt in the Hudson River and nest in nearby forests.
Shortnose Sturgeon (<i>Acipenser brevirostrum</i>)		NYS	The shortnose sturgeon is anadromous, migrating from salt water to spawn in freshwater. Historic pollution and overfishing have impacted sturgeon populations, and the damming of the Hudson River has cut them off from spawning grounds.
Atlantic Sturgeon (<i>Acipenser oxyrinchus</i>)		USFWS/NYS	Atlantic sturgeons are one of the largest and longest-lived anadromous fish in North America. In New York, adults spawn in the Hudson River and return to the Atlantic Ocean while juvenile sturgeon remain in the estuary for 2-6 years before moving to the ocean.

Known Important Areas for Rare Animals (Terrestrial Wildlife Areas)

Despite the generations of human development shaping the landscape in the Town and Westchester County, Ossining does contain important habitat areas. The NYS Natural Heritage Program identifies Known Important Areas for Rare Animals as areas that can sustain known populations of rare animals based on occurrence records from NYNHP, of which represent habitat needed to support these animals. In Ossining, these areas are shown on Map B as encompassing lands north of the Briarcliff-Peekskill Parkway surrounding Purdy Pond, and areas surrounding St. Augustine's Church and the Croton River. This is likely due to the extensive wetland and forest habitat found in these areas and north into the Town of New Castle. These lands in particular support nesting and foraging habitat for the Bald Eagle.

Known Important Habitat for Migratory Fish and Aquatic Species

As with known areas for rare animals, NYNHP identifies areas of importance for sustaining populations of rare aquatic species and migratory fish, both shown in Map A. Rare aquatic species may utilize Rockhill Creek and the Croton River habitat, while migratory fish (such as sturgeon) may utilize the Indian Brook and Croton River for freshwater spawning and nursery habitat for young populations.

Forests

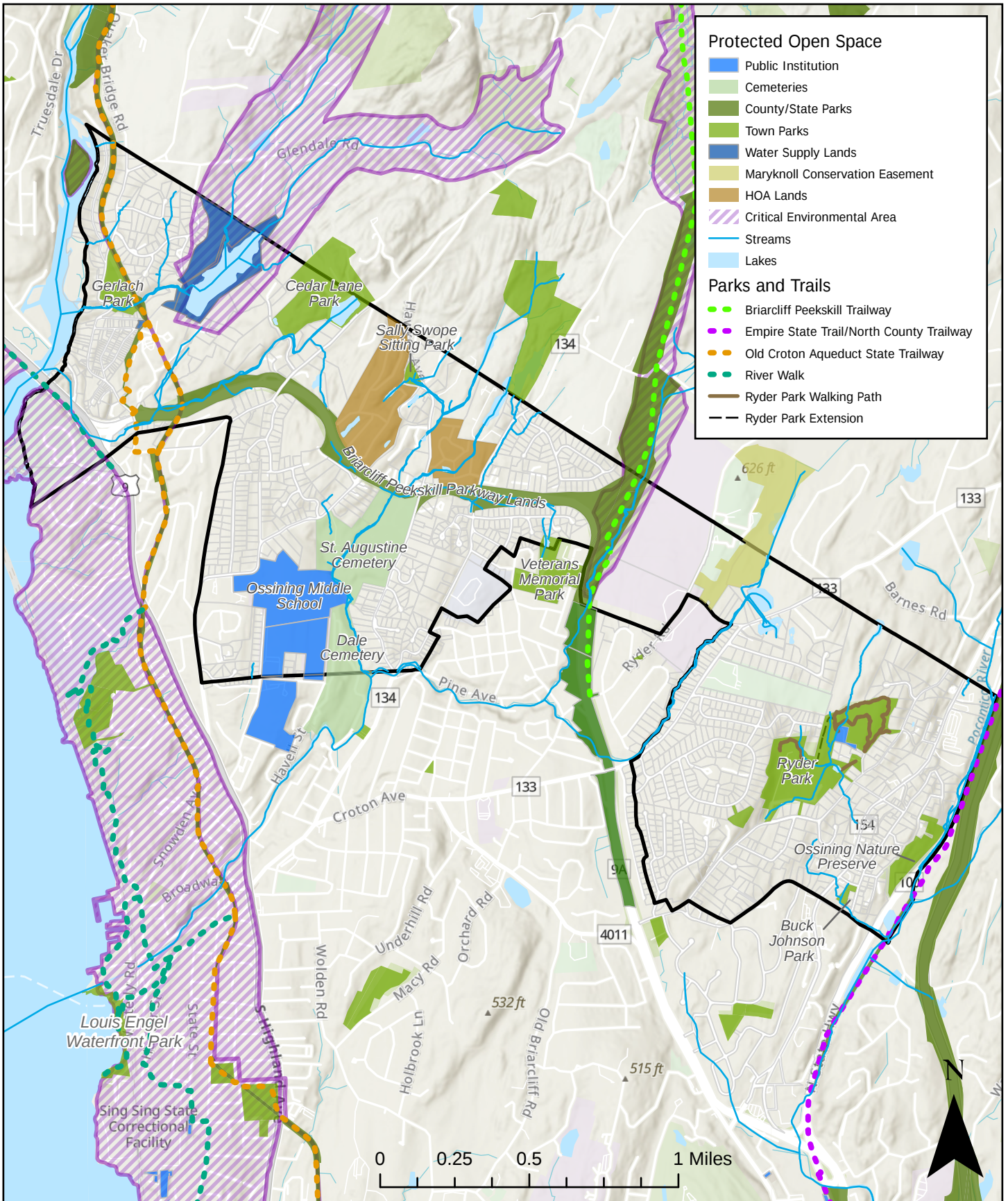
NYNHP has also mapped forest conditions, shown in Map B. The Hudson Valley Forest Condition Index is a new data set that identifies forest patches based on metrics relating to size, fragmentation, connectivity, stressors, habitat value, and carbon sequestration. The program also maps "core forests," which are interior forests surrounded by at least a 100-meter-wide buffer of edge forest habitat, which is especially important for wildlife such as forest songbirds, which are sensitive to human disturbance.

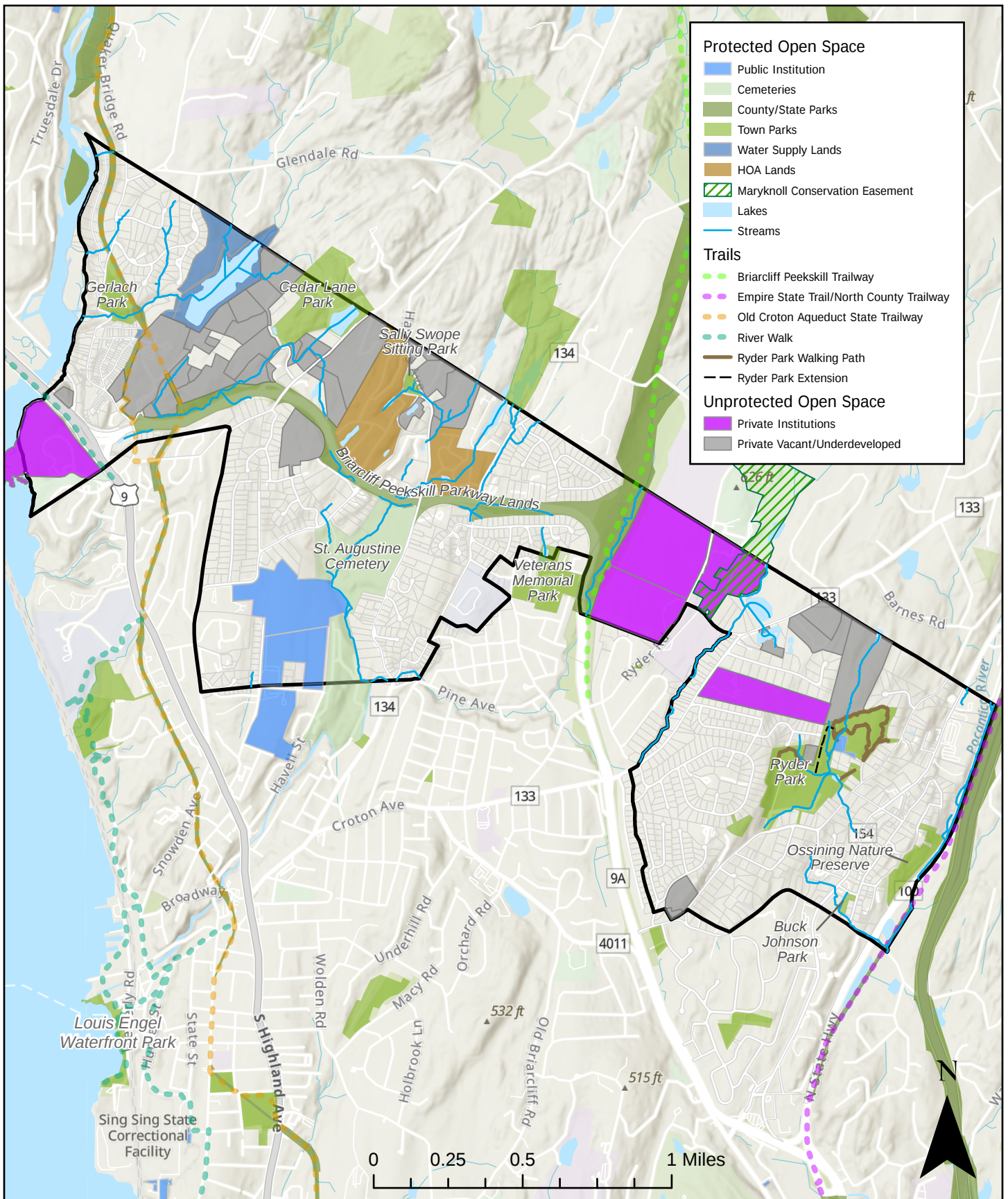
The Town of Ossining shares three core forests with the Town of New Castle. All of these forest resources are considered to be within the 18th percentile for forest health in the Hudson Valley, likely due to fragmentation and the presence of invasive and non-native species. The largest core forest in the Town of 132 acres is located between the Indian Brook Reservoir and Rockhill Pond and represents the largest core forest patch in the Town that is controlled by various private landowners. A second core forest of roughly 30 acres is found within the Westchester County Parklands and lands of Maryknoll Seminary, while the smallest core forest patch is found north of Ryder Park. Many of these core forest areas are co-located with wetlands and other surface water resources.

2.2. OPEN SPACE RESOURCES

As discussed in the methodology section, Protected Open Space in this plan includes public trails and parkland owned and maintained by the Town of Ossining, Westchester County, or New York State. It also includes institutional uses such as schools, cemeteries, and watershed lands owned by the Town. These lands represent the existing conserved ecosystems and available recreational lands to residents and visitors in the Town.

Unprotected open space, discussed later in this section, is identified as privately owned land that is either vacant, or contains large acreage that can be developed or subdivided according to existing zoning regulations. These lands represent opportunities for future land conservation and expanded recreational areas in the Town.





Protected Open Space

Parks

Seven parks are located within the unincorporated Town of Ossining and include: Buck Johnson Park, Cedar Lane Park, Gerlach Park, Ossining Nature Preserve, Ryder Park, and Sally Swope Sitting Park (see Map C). The Town also owns one park, Louis Engel Waterfront Park, which is located in the Village of Ossining (see Map C). Together, this amounts to over 130 acres of parkland. Additionally, the Town of Ossining acquired Dale Cemetery in 2004, which totals approximately 40 acres.

Buck Johnson Park

Buck Johnson Park is a one-acre park owned and managed by the Town of Ossining. This park is located on Blue Lantern Road and North State Road near the southeastern Town boundary. It is a small park that consists of a playground and basketball courts. A small tributary to the Pocantico River runs along its eastern boundary.

Cedar Lane Park

Cedar Lane Park is a 25.5-acre park owned and managed by the Town of Ossining. The park spans the northwestern boundary of the Town with access from Cedar Lane and provides a number of amenities, providing both passive and active recreation opportunities. The park's various sports fields include soccer fields, basketball courts, baseball fields, and a fitness walking path. There is also a community garden, a dog park, a picnic area, and bathrooms. Cedar Lane Park encompasses Rockhill Pond, which provides opportunities for fishing for individuals with a New York State fishing license.

Gerlach Park

Gerlach Park is located near Quaker Bridge Road and Old Albany Post Road in the northwestern part of the Town. This roughly 8-acre park is owned and maintained by the Town of Ossining and supports a variety of uses, including a pavilion, picnic area, and public restrooms, baseball fields, horseshoe pits, and a playground. The park also features hiking and nature trails, providing access to the Old Croton Aqueduct trail.

Ossining Nature Preserve

The Town of Ossining owns and maintains the Ossining Nature Preserve, with an area of about 3 acres. The Ossining Nature Preserve is located off of Hillcrest Drive, adjacent to Route 100. The Pocantico River flows by the nature preserve's western boundary. The Empire State Trail/ The North County Trailway runs along the Ossining Nature Preserve.

Ryder Park

With an area of approximately 53.9 acres, Ryder Park is one of the largest parks owned and maintained by the Town of Ossining. It is located off of Morningside Drive in the northeastern section of the town. A variety of amenities are provided in this large park, including over a mile of trails. Sports facilities include soccer, football, and baseball fields, in addition to tennis and basketball courts. A playground, horseshoe pits, a pavilion, picnic areas, and public restrooms are also available for use.

Sally Swope Sitting Park

Sally Swope Sitting Park is located by Hawks Ave just north of Route 9A in the northern area of the Town of Ossining. This park is approximately 5.35 acres. Within the park it is wheelchair accessible with a few short walking trails and a nature area that provides several seating options to admire the scenery.

Public Institutional Lands

Within the Town of Ossining 128 acres of open space are maintained by Public Institutions such as the Town of Ossining, the Ossining School District, and the Church of St. Augustine. All Public Institutional Lands are open to the public and are accessible to walk through. While these lands may have primary uses and structures, they represent a category of open space as they support ecological processes, including providing habitat and shelter for local species, and permit public recreation, whether passive or active, for the residents of Ossining.

St. Augustine's Cemetery

St. Augustine's Cemetery is located off of Hawks Ave just south of Route 9A, south of and adjacent to Dale Cemetery. This cemetery is owned and maintained by the Church of St. Augustine's and has an area of approximately 33 acres. There are several access points to this cemetery, including Ganung Drive, Croton Dam Road, and Somerstown Road. A tributary to the Sing Sing Creek (discussed in Section 3.1) runs through the center of the cemetery and continues through the eastern edge of Dale Cemetery.

Dale Cemetery

Dale Cemetery crosses the southern border between the Town and Village with entrances at Havell Street and Dale Avenue. It was established in 1851 and is now owned and maintained by the Town of Ossining. Dale Cemetery is an active non-denominational and non-sectarian cemetery containing over 30 acres, including walking paths.

Ossining School District – Anne M. Dorner Middle School

Anne M. Dorner Middle School is the middle school owned and used by the Ossining School District. It is located at 100 Van Cortlandt Ave, Ossining, New York, just north of the southern Town border. The 55.2-acre property supports a number of educational and recreational facilities. Sporting facilities on this property include grass soccer and baseball fields, a turf football field, and a six-lane running track. Towards the back of the property, there is a short, wooded walking/ running pathway that connects to Stormytown Road. A school bond was recently passed that would allow the School District to build a road out to Stormytown Road and construct a new school building that will house 7th and 8th grade students. Due to this new construction that will be taking place there will be tree removal on the property. The full extent of the tree removal is not yet known, but the School District anticipates removing the least number of trees possible.

Public Trails

Several New York State public trails cross the Town of Ossining. These trails include Briarcliff Peekskill Trailway, Empire State Trail/North County Trail, Old Croton Aqueduct, and Riverwalk. They are all located in different sections of the Town of Ossining, including alongside or within various parks owned by the Town. There are also connection points that provide access from one trail to another in the Town of Ossining.

Briarcliff Peekskill Trailway

The Briarcliff Peekskill Trailway starts at the corner of Route 9A and Ryder Road and ends at the Westchester County Blue Mountain Reservation in the Town of Cortlandt. Within the Town of Ossining, it runs north to south located within the Briarcliff Peekskill Parkway lands and adjacent to Maryknoll Seminary. This trail's primary uses are for walking and running, biking is not allowed on this trail.

Empire State Trail/North County Trailway

The Empire State Trail is a 750 miles trail running all the way through New York State. This trail begins in New York City and splits, going west to Buffalo, New York, or continuing north to Canada. Parts of the Empire State Trail connect with the North County Trailway. The North County Trailway is a 22.1-mile trail that runs through Westchester County. This trail is designed for both walkers, runners, and bikers. The Empire State Trail/ North County Trailway passes through the Town of Ossining as it follows the Saw Mill River Parkway. This trail passes by the Ossining Nature Preserve and follows the Pocantico River north.

Old Croton Aqueduct

The Old Croton Aqueduct is a historic park linear trail that starts at Van Cortlandt Park in Bronx County and runs north to the Croton Dam in the Town of Cortlandt and includes 26.2 miles of the original 41-mile aqueduct that was built in 1842 to provide New York City with drinking water. This park runs north and south through the western edge of the Town of Ossining. Near the southern border of the Town of Ossining, the Old Croton Aqueduct splits and reconnects south of and through Gerlach Park. The trail's main purpose is for walking and running, but sections can also be used for horseback riding, biking, snowshoeing, and cross-country skiing.

Riverwalk

The Riverwalk runs for 51.5 miles and parallels the Hudson River through Westchester County. The Riverwalk goes through 14 different municipalities, but is not a continuous trail the entire time. Within the Village of Ossining the Riverwalk runs along the waterfront through Louis Engel Waterfront Park, owned by the Town. The trail connects to the Old Croton Aqueduct trail near Route 9A, near the southwestern border of the Town of Ossining, and continues on to Croton-on-Hudson following 9A. creating new connections and completing this trail is an ongoing goal of Westchester County and the Rivertown communities.

Unprotected Open Space

Map D displays the undeveloped or underdeveloped lands within the Town of Ossining. These lands were identified because they may represent opportunities to conserve lands of ecological or recreational value. These properties are the focus of this open space plan. Detailed information on the properties can be found in Appendix A of this document.

Undeveloped and Underdeveloped Land

According to the Town of Ossining 2022 Comprehensive Plan, a little over 9% of land, or nearly 168 acres within the unincorporated Town of Ossining, remains vacant or undeveloped. Not all land identified as vacant has ecological or recreational value. Some vacant properties could have past histories of industry and may be contaminated, others may be denuded of any vegetation, and others may be small in

acreage and do not provide habitat or recreational value. Vacant lands within densely developed areas tend to be more prone to invasive species and poor water quality.

Underdeveloped land includes properties that are subdividable and could accommodate additional development. While additional development can be incorporated on a property in an environmentally friendly way, there are some properties that, if fully developed, may impact an environmentally sensitive resource. In particular, several privately owned institutions in the Town are developed in a campus-style setting with large undeveloped acreage and, if sold, would represent an opportunity for subdivision, development, or preservation.

The undeveloped and underdeveloped land shown in Map D and Map E may contain or support ecosystems such as wetlands, streams, or surface waters, core forests, species specific habitats, steep slopes, or are contiguous to drinking water sources. Land that is contiguous to parklands and trailways, or are located in an area that is void of any recreational open space have also been identified for recreational opportunities, and opportunities for trail connectivity and/or expansion.



Cedar Lane Park-Town of Ossining

Photo Credits: Nelson Pope and Voorhis

3. TOOLS FOR CONSERVATION IN OSSINING

3.1. INTRODUCTION TO CONSERVATION TOOLS

Communities in New York State can utilize a number of established and creative tools to protect and conserve natural and open space resources. We briefly describe some here, and dive into recommendations specific to the Town of Ossining in Chapter 4.3.

Land Use Laws and Environmental Regulations

Cities, towns, and villages are enabled by New York State to establish laws related to the use and management of land, typically in the form of zoning, subdivision, and environmental laws. Zoning and subdivision laws can regulate the uses permitted in a certain area (usually a mapped zoning district), the densities of development permitted using dwelling units or square footage as a measure, the required open space, and the procedure for receiving a permit for development. Environmental laws can regulate the preservation or restriction of development on natural resources. In addition, environmental laws will help with the mitigation and adaptation of climate change policies as the effects of climate change become prevalent in our day-to-day lives. The Town's current local laws related to land development and environmental regulations are discussed in Section 3.2 below.

Cluster Development

A cluster development is a land use tool that allows for the alternative subdivision or plat layout of lots to conserve land while allowing developers to maintain the permitted development density. In this way, a cluster development would yield the same number of lots or housing units, on a smaller acreage, and set aside the remainder of the land under a conservation easement, deed restriction, or other covenant.

NYS Town Law §287 allows towns to establish cluster development laws to “provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.” Typically, a cluster development law would outline a procedure by which the conventional layout and cluster layout are provided to the Town Board as a sketch plan, and the benefits to conservation are assessed against any development challenges. A Town may alter the density provisions to incentivize cluster subdivisions, such as the allowance of density bonuses, and require certain resources be mapped or disturbance to certain resources avoided. Conditions of approval can be established by the approving board or authority.

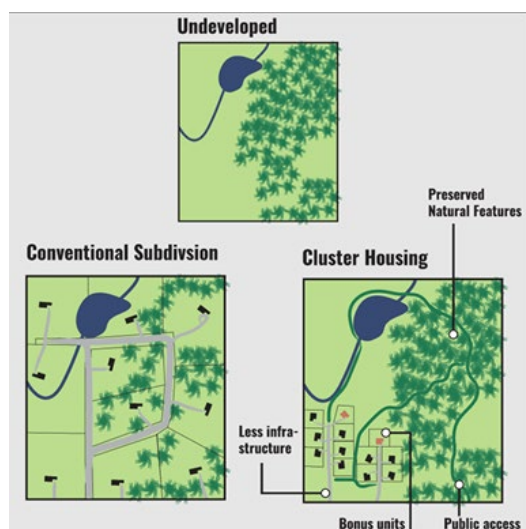


Figure 3: Example Cluster Subdivision Layout.

Conservation Easements & Deed Restrictions

Conservation easements are enabled by Title 3 of Article 49 of the Environmental Conservation Law. As per the law, a "conservation easement" means an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in section 49-0301 of Title 3, provided that no such easement shall be acquired or held by the state which is subject to the provisions of article fourteen of the state constitution. A conservation easement can be held only by a public body or not-for-profit conservation organization.

Deed restrictions or restrictive covenants are legal documents incorporated into the deed of a tax parcel that limit the use of land. In conservation, deed restrictions typically restrict clearing and development on areas identified through the site plan or subdivision approval process. In a subdivision, a deed restriction may apply across parcels, and the management and adherence to those restrictions are the responsibility of each individual landowner.

Community Preservation Fund & Acquisition

Section 247 of the New York State General Municipal Law regulates the acquisition of land for open space purposes. The section defines open space as "any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this section natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production." The New York State Environmental Protection Fund, as defined in Environmental Conservation Law Article 54 ("Environmental Protection Act"), provides mechanisms for open space conservation and land acquisition. It is often through this program that organizations such as the Open Space Institute and Nature Conservancy acquire matching funds to preserve important lands.

A community may establish a fund for the purchase of Open Space lands called a "Community Preservation Fund" enabled through the process outlined in NYS General Municipal Law Chapter 24, Section 6-5. This program is highlighted as an objective in the Town's Comprehensive Plan and would enable an authorized community to levy a real estate transfer tax to funnel into a fund for the purchase of open space.

3.2. EXISTING LAWS AND POLICIES

The Town utilizes a number of professionals in the review of a development application, and administration and enforcement of the land use laws, and environmental regulations found in the Town Code. These professionals include the Town's Building Inspector, and Town's consultants in the planning, engineering, legal, wetland, and landscaping fields. In addition, the Town's tree protection, steep slopes, and freshwater wetlands laws require referrals to the Town's Environmental Advisory Committee (EAC) for review of applications for tree, steep slopes or wetlands permits.

Indian Brook-Croton Gorge Watershed Protection Overlay District

Starting in 2005, the Towns of Cortlandt, New Castle, and Ossining, and the Villages of Croton-on-Hudson and Ossining worked together on a watershed plan for the Indian Brook-Croton Gorge Watersheds, two watersheds that supply drinking water to over 43,000 residents plus numerous institutions and businesses. After the plan was developed, the five communities were awarded a NYSDEC Hudson River Estuary Grant to conduct a study and develop a watershed protection overlay district. In 2024, all five communities adopted the overlay, which is incorporated as Chapter 117 in the Town of Ossining Code.

The Indian Brook-Croton Gorge Watershed Protection Overlay District (WPOD) is meant to protect the quality of the drinking water resources within the boundaries of the Indian Brook-Croton Gorge Watershed, along with the surrounding environment. The WPOD is intended to minimize the potential for groundwater and surface water contamination and limit the severity of resource degradation within its boundaries.

The watershed consists of two sub-watersheds. The Indian Brook sub-watershed includes Indian Brook and the Indian Brook Reservoir. The Indian Brook Reservoir is a drinking water source for the Town and Village of Ossining residents. The Croton Gorge sub-watershed includes the Croton-on-Hudson drinking water aquifer and the Croton River. The total watershed encompasses approximately 3,400 acres (5.3 sq. mi.).

The overlay incorporates several provisions for the management of these watersheds, including:

- Protecting and restoring natural water resources
- Implementing stormwater management practices
- Promoting sustainable development through land use and environmental regulations
- Regulating activities that can take place within the watershed.

Site plan review is required for all construction, and new activities or property uses in the Watershed Protection Overlay District, except one- and two-family residences, and shall take into consideration the requirements and principles outlined in this chapter.

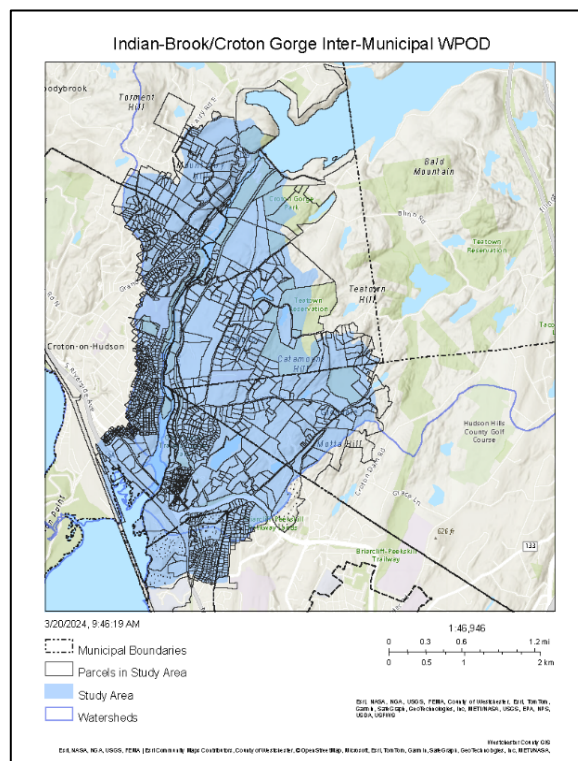


Figure 4: Boundary Area of the Indian Brook-Croton

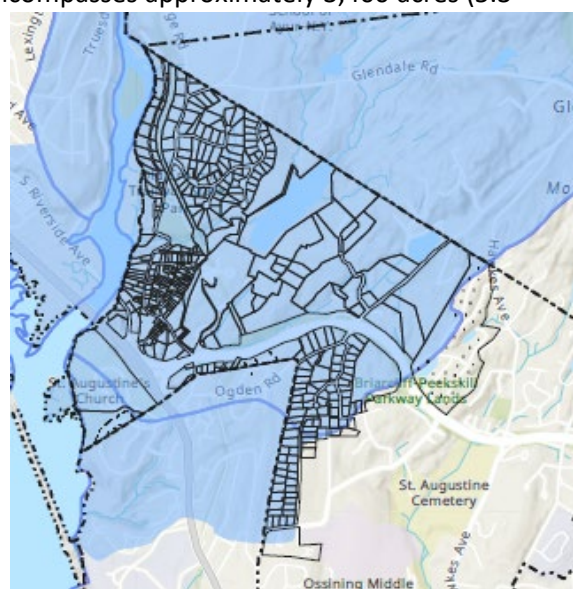


Figure 5: Town of Ossining properties within the Indian Brook-Croton Gorge Watershed Protection Overlay District

It also requires that within the Watershed Protection Overlay District, all new subdivisions be designed as a conservation/cluster subdivision pursuant to § 200-31, Cluster developments, of the Town Code with a minimum of 30% of the parcel permanently preserved in its natural state.

Specifically, the regulations require all new land use, site plan, and subdivision applications to adhere to the following requirements:

1. All land development activities that disturb greater than 5,000 square feet require a Stormwater Pollution Prevention Plan.
2. Any new construction activity which creates impervious surfaces in excess of 1,000 square feet shall have stormwater controls for water quality and quantity.
3. Low Impact Development practices shall be provided to the extent feasible for all new or re-development including the use of bioretention facilities, rain gardens, vegetated rooftops, rainwater harvesting, and permeable pavements.
4. Grading and removal of vegetation is minimized for all construction.
5. Septic systems must be pumped at least once during every 3 year period.
6. The storage and stockpiling of manure and other animal waste for use in agricultural operations, agricultural use of fertilizers and land application of manure, and pesticide (including herbicide) storage and use shall comply with New York State best management practices.
7. Application, disposal, and storage of pesticide, fertilizers, and herbicides shall comply with the regulations of the New York State Department of Environmental Conservation.
8. Use of streams as sources of water for the washing of equipment used in conjunction with pesticide or herbicide application is prohibited.
9. Lawn chemicals (pesticides and herbicides) shall not be applied within 25 linear feet of any watercourse, or within a wellhead buffer area.
10. Any petroleum storage tank(s) installed or replaced after the effective date of the law must be aboveground or fully visible for inspection within the basement or other interior space, and secondary containment is required for all new tanks.
11. Disturbance of land within 150 feet of a wetland, watercourse, or waterbody shall require a wetland permit.

The regulations also prohibit the following:

1. Disposal of hazardous material or solid waste.
2. Treatment of hazardous material, except remediation programs authorized by a government agency for treating hazardous material that existed on the site prior to the adoption of this land use law.
3. The creation or manufacturing of any hazardous materials.
4. Dry cleaning, dyeing, printing, photo processing, and any other business that stores, uses, or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous material.
5. Disposal of septage or septic sludge.
6. Automobile service and gas filling stations.
7. New underground storage of petroleum.
8. Petroleum product pipelines.
9. Vehicle Storage Yards/Truck terminals.
10. The bulk storage of deicing salt, except in municipally-approved impervious structures.
11. Installation of dams, water diversions, and stream channelization except undertaken directly in relationship to drinking water resources.

12. Landfill of domestic, industrial, construction and demolition, or hazardous materials.
13. Junkyards.
14. Land spreading of sludge or ash, including domestic wastewater or waste industrial process material, except for ash from individual residential heating equipment.
15. New dry wells directly connected to any floor drain, garage drain, wash basin or sink.
16. New fuel storage facilities in any amount greater than 660 gallons.
17. Commercial trash containers and dumpsters which are not under a roof, or which are located so that leachate from the receptacle could escape unfiltered and untreated.
18. Any mining activities including consolidated and solution mining activities, unless permitted by the New York State Department of Environmental Conservation
19. Point source discharges, other than discharges authorized by permits issued by the New York State Department of Environmental Conservation.

Freshwater Wetlands, Watercourses and Water Body Protection

Chapter 105 Freshwater Wetlands, Watercourses and Water Body Protection, of the Town Code of the Town of Ossining regulates 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, wetlands, and buffers. This chapter was created because a significant number of wetlands, watercourses, and waterbodies are located within the Town, and have been lost or impaired by actions such as draining, dredging, filling, excavating, building, polluting, etc. The surface water resources that remain are potentially at risk of being lost in a similar way

§105-2 Definitions and word usage, defines buffer areas, wetlands, watercourses, and waterbodies as the following:

- **Buffer Area:** An area surrounding a wetland, watercourse or water body that is also subject to the regulations as specified herein.
- **Freshwater Wetland/Wetland:** All areas that comprise hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation.
- **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). 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.
- **Water Body:** Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water, and which has a discernible shoreline, but not including a watercourse as defined in this chapter or a man-made swimming pool not associated with a wetland or watercourse.

§ 105-3 Rules for establishing and interpreting wetland and buffer areas boundaries require all water bodies and non-watercourse wetlands to have a buffer area of 100 feet from the edge of the water body/wetland as measured horizontally from the boundary of the water body/wetland. For all

watercourses, the buffer area should extend 50 feet away from the edge of the watercourse as measured horizontally from the boundary of the watercourse.

Chapter 105 permits can be granted by the Building Inspector or Planning Board, depending on the nature of the activity. §105-6 describes the procedure for permits issued by the Building Inspector, which must meet the criteria of 105-6.D, Regulated acts permitted with a permit issued by the Building Inspector. These applications must be limited in scope and potential impact and be referred to the Environmental Advisory Committee for its review and report. If the application exceeds the criteria of 105-6.D in terms of scope and impact, the building inspector must refer the application to the Planning Board to issue the permit. In all cases, the standards of §105-8, Standards and findings for permit decisions must be met. Applications sent to the Planning Board must follow procedures outlined in §105-7, and a public hearing is required prior to approval.

Activities that require a permit include the following:

- Placement or construction of any structure.
- Any form of draining, dredging, excavation or removal of material, or any dumping, filling or depositing of material, either directly or indirectly.
- Installation of any service lines, cable conduits, any pipes, wells or utility lines.
- 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.
- Alteration or modification of natural features, contours, natural drainage patterns, or watercourses
- Construction of dams, docks or other water-control devices, pilings or bridges, whether or not they change the natural drainage characteristics.
- Operation of existing dams and water-control devices, involving the adjustment of water level more than 18 inches or any adjustment of water level which is in place for more than one week.
- Within the same one-acre area, the cutting of more than three trees which are over six inches in diameter at a point four feet from ground level within an eighteen-month period.
- Plowing or harrowing of over 1/4 acre.
- Grazing of horses or other animals.
- Any other activity that may impair the natural function(s) of a wetland as described in section §105-1 Title and purpose; statutory authority section C of the chapter.

Permits that are issued per Chapter 105, may contain conditions and/or mitigations that are designed to assure the preservation and protection of affected wetlands. A permit can be issued if the approving authority finds that losses are only necessary and unavoidable if there is no reasonable on-site alternative to the proposed activity, including a reasonable reduction in density or a revision of road, building, utilities and/or lot layout. If there are unavoidable losses to a wetland, watercourse, water body or buffer area, mitigation is required.

Steep Slope Protection

In the Town of Ossining, steep slopes are extensively defined and regulated per Chapter 167 Steep Slope Protection, of the Town Code. Steep slopes are defined as:

- **Steep Slope:** Any geographical area, whether on a single lot or not, having a topographical gradient of 15% or greater (ratio of vertical distance to horizontal distance), with a minimum horizontal dimension of 10 feet, and a minimum area as defined below, whether man-made or natural, and whether created by a retaining structure or not.
 - **Moderately Steep Slope:** A slope equal to or greater than 15% but less than 25% and covering a minimum horizontal area of 3/10 of an acre (13,068 square feet).
 - **Very Steep Slope:** A slope equal to or greater than 25% but less than 35% and covering a minimum horizontal area of 2/10 of an acre (8,712 square feet).
 - **Extremely Steep Slope:** A slope equal to or greater than 35% and covering a minimum horizontal area of 1/10 of an acre (4,356 square feet).

The provisions of Chapter 167 apply to all lands defined and designated as a steep slope area. A Steep Slope permit can be granted by the Building Inspector or Planning Board, depending on the nature of the activity as described in §167-8.D. The Building Inspector must refer all applications to the EAC for its review and report, considering the standards of §167-6, Review standards. The Building Inspector may refer the application through the EAC for the Planning Board to issue the permit if it is unclear whether the standards of §167-6 are met. Applications sent to the Planning Board follow procedures outlined in §167-11, and a referral to the EAC and public hearing are required.

§ 167-5 Allowable and regulated activities, states which activities need a permit as follows:

- It shall be unlawful to create a new steep slope area or to create any disturbance, other than an allowable activity as defined in §167-5 Allowable and regulated activities, section A, 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.
- For extreme steep slopes: It shall be unlawful to create or disturb any extremely steep slope, 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:
 - The site, lot or parcel cannot be reasonably used without the creation or disturbance of an extremely steep slope; or
 - A traffic hazard relative to sight distance(s) would result without the creation or disturbance of an extremely steep slope.
- In addition, for extreme steep slopes, 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 the Board.

§167-6.B allows the approving authority (whether the Building Inspector or Planning Board) to set conditions of approval deemed necessary to satisfy the standards set forth in the chapter. §167-1, findings and policy, states: "Once a steep slope is disturbed, the disturbance can be irreversible... To minimize the potential adverse impacts of development on steep slopes, the approval authority should seek the preservation of such areas using flexible site design, including the application of § 278 of the New York State Town Law, the establishment of conservation easements, and other land preservation techniques."

Streams and Watercourses

Chapter 169-Streams and Watercourses, regulates activities that may alter or impact the flow of a watercourse, defined as “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). 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.”

Unlike Chapter 105- Freshwater wetlands, watercourses, and waterbody protection, permits are issued under this chapter through the building department, with review by the Town Engineer. Review by the Planning Board or EAC is not required.

Regulated activities include:

- The construction of drains, culverts, pipes, ditches, sluices, and other channels for the passage of water.
- The filling, diverting, or other altering of existing streams and watercourses.
- Remedy those conditions presently existing which constitute a flood hazard, in order to protect the property within the Town from floods, freshets and high waters.

Section 169-2 Prohibited acts, states that unless authorized with a valid permit by the Building Inspector, it is unlawful for any person, firm, corporation or entity to:

- Place, deposit, or permit to be placed or deposited any debris, fill, sand, stone, or other solid material of any kind into any stream, ditch, culvert, pipe, watercourse, or other drainage system.
- Construct or place any ditch, pipe, culvert, or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage from paved surfaces, structures, roads, or improvements directly into any stream, ditch, culvert, pipe, watercourse, or other drainage system.
- Fill, obstruct, dam, divert, or otherwise change or alter the natural or artificial flow of waters or drainage, or the intensity or quality of flow, through any stream, ditch, pipe, culvert, watercourse, or other drainage system.
- It will be necessary to continue to regulate the activities along streams and watercourses in the years to come due to the impacts of climate change. There are several floodplains that exist within the Town of Ossining. As more frequent and stronger storms continue to occur, it will become imperative that the land adjacent to streams and watercourses is as natural as possible to help reduce the impacts of potential flooding. The greater the amount of impervious surfaces along stream banks, the higher the possibility of runoff and flooding increases, which can create hazards for those living near streams and watercourses.

Subdivision of Land

The Town of Ossining regulates the subdivision of land through Chapter 176, where a major subdivision is defined as proposing more than four (4) new lots, and a minor subdivision is defined as proposing no more than four (4) new lots. New subdivisions are reviewed and approved by the Planning Board and are subject to the minimum lot size of the zoning district within which they are located, except as relates to Chapter 176-11, Cluster Developments (discussed below).

§176-20 guides the Planning Board in its consideration of natural factors during subdivision review, as well as the reservation of parkland. Major subdivisions must demonstrate the reservation of parkland or submit a fee in lieu of parkland as a condition of subdivision approval. Subdivision plans, including parkland, must show the existing physical features of the parkland on the plans. Trees are the only natural factors listed under §176-20.B, Natural factors. The section advises on the inclusion of street trees, and states: “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.”



Gerlach Park-Town of Ossining
Photo Credits: Nelson Pope and Voorhis

Article V, required submissions, outlines the data requirements for sketch plan, minor, and major subdivisions. The guides the Planning Board regarding the level of detail it should be asking for to inform the approval process. Minor subdivisions of four or fewer lots are required to show contour lines at intervals of no more than five (5) feet, existing and proposed manmade improvements as well as “The number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses, and other essential existing physical features.” Major subdivisions must submit additional information, generally related to utility connections, engineering and stormwater management, as well as the location of all trees on the site over six inches in diameter, and “all other natural features of site elements to be preserved.”

Section 176-18.F requires a conventional subdivision layout to have at least 75% of the minimum lot area requirement of a proposed lot to “consist of neither ‘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.”

Cluster Development

Provisions for cluster development are regulated within chapter 176, Subdivision of Land, and Chapter 200, Zoning. The purpose of a cluster development is to allow for the modification of zoning requirements in favor of a subdivision layout that achieves the following objectives (per §176-11):

- The preservation of a unique or significant natural feature of the site, including but not limited to a vegetative feature, wildlife habitat, surface water supply, underground aquifer, endangered species, rock formation, etc.
- The protection of a unique or significant feature of the man-made environment of the site, including but not limited to a building, structure or artifact of architectural, historical or archaeological value.
- The preservation of any unique or significant aesthetic feature of the site, including but not limited to a community vista, ridgeline, etc.

- The protection of any other unique or significant feature of the site which the Planning Board determines to be important for recreation, education, open space or similar purposes.

It should further enable and encourage the “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 § 200-34C of the Town Code.” (§200-31A).

The Town’s Cluster Development provision allows the Planning Board to request a cluster subdivision be prepared by an applicant, or for an applicant to request a cluster subdivision, and allows a cluster subdivision to be located anywhere that residential uses are permitted by zoning. Per §200-31, the number of building lots or dwelling units permitted within a cluster development shall in no case exceed the number which could have been permitted if the land were subdivided through a conventional subdivision process. The applicant must prepare both a conventional subdivision and a cluster subdivision plan to support the Planning Board review process.

Per §176-18.F, the Planning Board is supposed to strive and achieve the seventy-five-percent lot size standard for conventional subdivisions, as discussed under “Subdivision of Land” above. However, the Board has “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 § 200-31A”.

Per §200-31.H(6), covenants shall be established on a cluster subdivision limiting all homes to one-family use and all common lands to open space uses.

Tree Protection

In the Town of Ossining, tree protection and removal are defined and regulated per Chapter 183, Tree Protection, of the Town Code. Trees are a valuable resource for the Town of Ossining and are at risk of being destroyed or damaged by actions like uncontrolled/unregulated cutting, regrading, drainage alteration, and construction. Not only are trees carbon sinks, but they also help increase shade cover. As the summers continue to get increasingly hotter due to climate change, it will be imperative to continue to have shade cover. Shade cover will help reduce the amount of pavement surface exposed, which will, in turn, reduce the overall temperature. This chapter is intended to incorporate the consideration of tree protection into the Town's existing land use development approval procedures, the state environmental quality review regulations, and other local environmental regulations. Definitions defined in this chapter include:

- **Ornamental Tree:** A tree grown for its aesthetic characteristics, with highly visible and decorative flowers, foliage color fruit and/or bark.
- **Public Tree:** Any tree growing in any public road right-of-way, public park, public utility right-of-way or in any other public place.
- **Significant Tree:** A tree on the Town's Significant Tree List.

- **Significant Tree List:** A list maintained by the Town and determined by the Town Board on the recommendation of the Environmental Advisory Committee of trees or groves of trees to be significant on the basis of quality, historical significance or other unique characteristic.

Permits are issued by the Building Inspector or by the Planning Board when tree removal is associated with subdivision or site plan, and are required for various activities according to §183-5 Regulated activities; tree removal permit required. Based on the section, these activities include:

- Removal of a tree with a DBH of three inches or greater within a property's regulated buffer zone, as established by an approved site plan, special permit, conditional use permit or subdivision plat.
- Within or outside of a property's regulated buffer zone, any:
 - Removal of an ornamental tree, as defined above, with a DBH of three inches or more.
 - Removal of a significant tree, or regarding activity or utility excavation within the dripline of any significant tree.
 - Removal of any tree with a DBH of six inches or greater or re-grading activity or utility excavation within the dripline of any tree with a DBH of six inches or greater.
 - Removal of any tree with a DBH of six inches 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 construction plan.
 - Clear cutting, as defined in § 183-4: "the cutting, killing and/ or removal of more than 10 trees each having a DBH of six inches or greater in a given lot, within any twelve-month period."
 - Removal of any tree in a wetlands or wetlands buffer area as regulated in Chapter 10, Freshwater Wetlands, Watercourses and Water Body Protection, of this Code.

Any application for clear cutting or a tree permit in association with an application for subdivision or site plan approval, the approving authority must refer the application to the EAC for its review and report.

In addition, §183-12.G requires that all tree removal applications "in connection with all subdivision and site plan applications, the project shall meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement." Tree replacement is required on site unless the approving authority determines "that, because of site constraints, it is impracticable or impossible to fully meet this mitigation requirement on site. In such case, upon the establishment of a tree bank and/or a tree bank fund by resolution of the Town Board, the approving authority may consider the off-site mitigation of planting in the tree bank or the payment of a fee to the tree bank fund to satisfy the unmet portion of the tree replacement requirement."

Zoning

The overall use of land in Ossining is regulated by Chapter 200, Zoning. This chapter identifies zoning districts, their purpose, allowable uses, and development densities. Uses may be permitted by right, site

<i>Zoning Class</i>	<i>Abbreviation</i>	<i>Total Acreage</i>	<i>Percent of Land Area</i>	<i>Category</i>
Single-family Residence	R-5	15.2	0.8	Residential
	R-7.5	24.3	1.3	
	R-10	9.6	0.5	
	R-15	257.1	13.4	
	R-20	516.7	26.8	
	R-20A	39	2	
	R-30	474.8	24.7	
Multi-family Residence	R-40	260.9	13.6	Residential
	MF	132.1	6.9	
	MF-1	5.8	0.3	
General Business	GB	69.5	3.6	Commercial
General Business 1	GB-1	6.8	0.4	
Business Education	BE	65	3.4	
Neighborhood Commercial	NC	4.2	0.2	
Office – Research Business	O-RB	30.9	1.6	

Figure 6: Town of Ossining Zoning Districts. Source: 2022 Comprehensive Plan, P. 81.

plan review, special permit or conditional use permit by the Planning Board. Zoning districts are discussed and described in the Comprehensive Plan and shown in Figure X below.

Through the site plan review and permitting process, the Planning Board is empowered to request data regarding the existing natural conditions of a site to be developed to best inform the proposed layout of proposed development. In many instances, impacts to natural features on a site are regulated by local permitting processes enacted through other sections of the Town Code (such as disturbances to wetlands, steep slopes etc.) and approved by the Planning Board.

Importantly, §200-6.F of the code states that “Every proposed lot shall contain a suitable site for a principal building and associated improvements.” The code goes on to outline the following (summarized from §§ F(1) and F(2)):

- With respect to a conventional subdivision layout, at least 75% of the minimum lot area requirement of a proposed lot shall consist of neither "wetland" nor "extremely steep slope"...
- With respect to a cluster development layout, the Planning Board shall strive to achieve the seventy-five-percent standard in Subsection F(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 § 200-31A [discussed above under “cluster development”].

4. FUTURE CONSERVATION PRIORITIES

4.1. OPEN SPACE GOALS

The Town of Ossining Open Space Plan has been developed based on the participatory planning process and goals and objectives contained within the 2022 Comprehensive Plan. A number of the goals, objectives, and recommendations of the Comprehensive Plan are related to the development and improvement of open space, recreation, environmental education, and community/ecological sustainability. Goals and recommendations directly related to the physical preservation of open space, as identified in Section 1.2, are also set forth in this Open Space Plan.

The goals for the Town of Ossining Open Space Plan are as follows:

1. Conserve the remaining valuable wetland, stream, and forest habitat in the unincorporated Town;
2. Minimize habitat fragmentation by conserving valuable unprotected lands adjacent to existing protected open space;
3. Enhance existing recreational and trail spaces by identifying opportunities for expansion and connectivity.

4.2. KEY PARCELS AND RECOMMENDATIONS

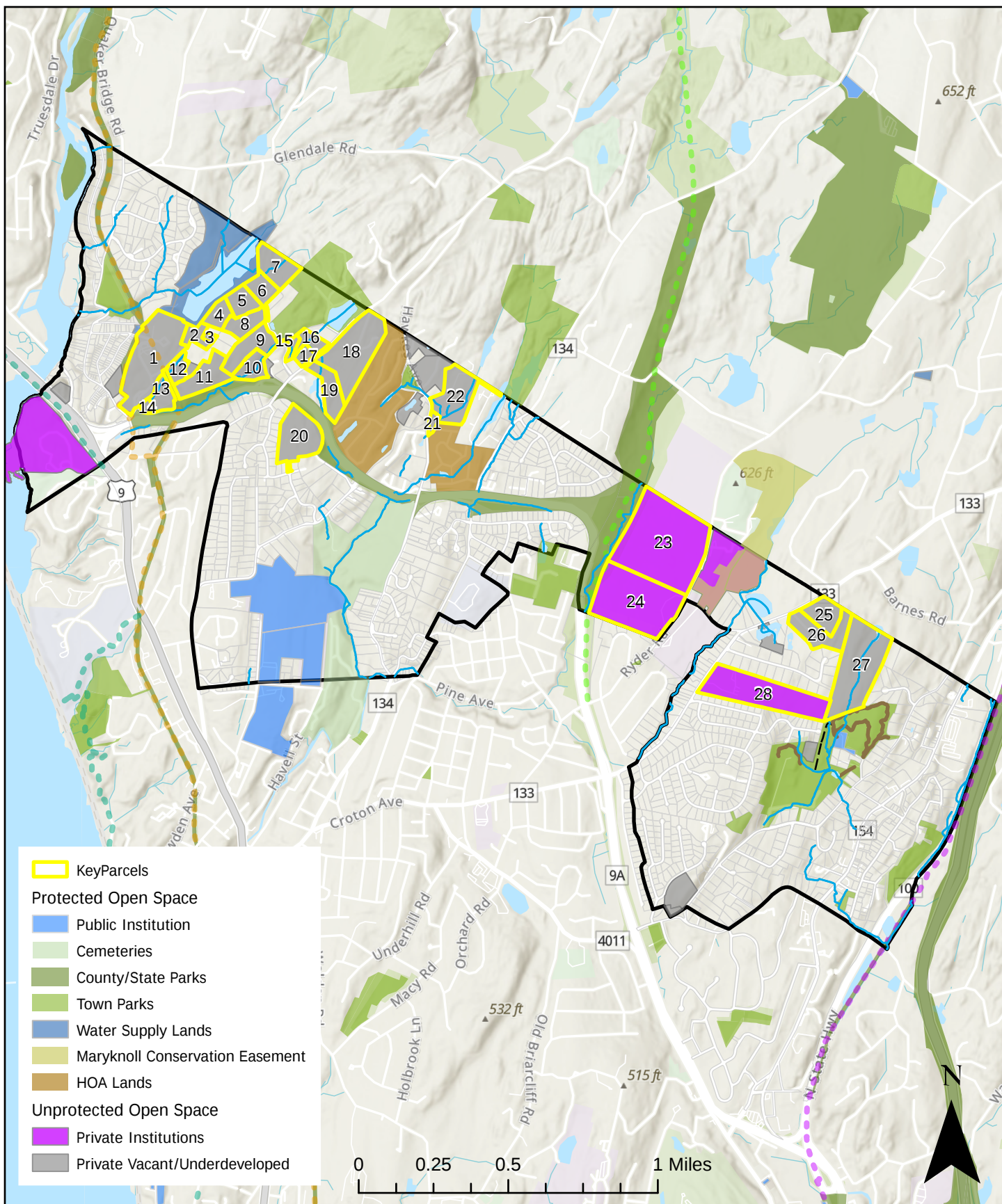
Key parcels for conservation in the Town of Ossining are shown on Map E: Key Parcels. Twenty-eight parcels were identified that may be developed or redeveloped in the future and that contain valuable open space resources. These resources and recommendations for their protection are described as follows:

- **Water Quality:** Parcels adjacent to the Indian Brook Reservoir, or within the CEA or Indian Brook-Croton Gorge Watershed Protection Overlay District. The use of conservation easements or clustering should be prioritized to protect these resources.
- **Recreation and Connectivity:** Parcels adjacent to existing parks, open spaces or trails that should be prioritized for trail or park expansion. Conservation easements and clustering around resources or to strategically allow for public access and trail expansion should be prioritized for these resources.
- **Core Forest:** Areas contributing to mapped core forests should be preserved through clustering to avoid clearing and disturbance to these important forests. Deed restrictions or conservation easements will ensure that forests are protected in perpetuity.
- **Forest Habitat:** Properties that contain large acreages of forest. These may or may not be adjacent to important terrestrial habitat areas. In these areas, clearing and development areas should be limited, and clustered together to avoid habitat fragmentation.
- **Wetlands and Watercourses:** Properties containing surface waters, including ponds, streams, wetlands or wetland soils. Impacts on these resources should be avoided through cluster development and the use of conservation easements. Areas of wetlands and watercourses occurring adjacent to recreation areas or trails should prioritize easements that favor public access and trail development.

- **Steep Slopes:** Properties containing steep slopes as defined in Town Code. These areas are often co-located with forested areas, and are protected by existing Town regulations. Steep slopes may provide opportunities for expanded recreation or trail areas as well.

The Key parcels are grouped by area in Table 2, and their resources are identified. A more detailed description of these resources is contained below.

Table 2: Key Parcel Descriptions			
Target Area	Map E Parcel Number	Resources	Acreage
Indian Brook Reservoir and Cedar Lane Park Connectivity Area	1 through 3	Water Quality Recreation and Connectivity	30
	4 through 11	Water Quality Recreation and Connectivity Core Forest Wetlands and Watercourses	50
	12 through 14	Water Quality Recreation and Connectivity Wetlands and Watercourses Steep Slopes	9
	15 through 17	Recreation and Connectivity Wetlands and Watercourses	7
Northern Forest Preservation Area	18 through 19	Water Quality Forest Habitat Wetlands and Watercourses Steep Slopes	28
	21 through 22	Forest Habitat Wetlands and Watercourses Steep Slopes	14
	20	Water Quality Forest Habitat Steep Slopes	13
Maryknoll Seminary Connectivity Area	23 and 24	Recreation and Connectivity Core Forest Steep Slopes	77
Ryder Park Expansion and Unique Habitat Preservation Area	25 and 26	Steep Slopes Core Forest	10
	27	Recreation and Connectivity Wetlands and Watercourses Core Forest Steep Slopes	26
	28	Recreation and Connectivity Forest Habitat Steep Slopes	25
TOTAL AREA			293



Map E Key Parcels

Sources: Westchester County GIS,
NYS GIS Clearinghouse 2024

Open Space Plan
Town of Ossining

Indian Brook Reservoir and Cedar Lane Park Connectivity

These parcels are identified as important to the Town's Open Space network, as they offer opportunity to expand Cedar Lane Park, and link it to the Indian Brook Reservoir/Old Croton Aqueduct Trail and preserve the largest area of core forest in the Town. These parcels lie within the Indian Brook-Croton Gorge Watershed Protection Overlay District (WPO) and/or the Indian Brook CEA. Total preservation of these parcels, particularly those adjacent to existing Town owned land, would further protect the water quality of the reservoir, and allow for expanded recreational use of these lands. This can be accomplished through acquisition by a land trust, donation, or some other external funding source. Many of the southern parcels in this target area are sparsely developed for a conference center. Easements on certain properties may be negotiated with future development proposals.

In general, new development on lands in this target area should be clustered away from core forest and surface water bodies, and the fragmentation of core forest should be avoided. By maintaining as much natural land as possible, it will help mitigate the effects of climate change. If there is any proposed additional development or future redevelopment of Parcel #1, currently built out as a conference center, the Town should explore acquiring the undeveloped areas for vegetative buffers or reintroduction of habitat, especially mowed areas abutting the Indian Brook Reservoir, and expand recreational amenities along the Old Croton Aqueduct State Trailway, which runs through the site. A trail spur from the Old Croton Aqueduct may also be feasible through Parcels 1-7, or 9-12, leading to the Indian Brook Reservoir, or to Cedar Lane Park.

Northern Forest Preservation Area

Parcels identified for this target area are large, underdeveloped parcels with significant forest cover, surface waters, and wetlands, three of which lie within the Watershed Protection Overlay. Parcels are adjacent to several denser housing developments, which maintain surrounding open space through a homeowner's association. Importantly, these resources are connected to expansive forests in New Castle, protected by Sunny Ridge Preserve to the northeast, and Cedar Lane Park to the northwest. The preservation of key parcels, or clustering of new development in this target area should preserve forest habitat and seek to limit habitat fragmentation and the destruction of surface water habitat to the maximum extent possible.

Maryknoll Seminary Connectivity Area

The lands of Maryknoll Seminary are developed as a campus, with the majority of the developed lands fronting to Ryder Road. The "rear," western portion of the property remains forested and abuts the Briarcliff-Peekskill Trailway. This is an ideal location to expand the recreational lands along the trailway, and conserve valuable core forest, surface water, and forest habitat in a topographically challenging location through the use of a conservation easement.

Ryder Park Expansion and Unique Habitat Preservation Area

North of Ryder Park, three parcels represent some of the last remaining complex ecosystems in the Town of Ossining. Of these, a single parcel contains wetlands, surface waters, streams, steep slopes, forest habitat, and core forest, resources which all extend into the adjacent Town of New Castle and onto parcels identified as #25 and 29 on Map E. Development of these parcels should proceed extremely carefully in order to avoid habitat and forest fragmentation. Ideally, the Town of Ossining should

consider working with a land trust to purchase Parcel 27 or place a conservation easement over northern and eastern areas of the property, coincident with the majority of the valuable forest and surface water resources. This action would expand the use of Ryder Park for light/passive recreation and environmental education. Development of Parcels #25 and 26 should be clustered to the maximum extent possible to avoid forest fragmentation.

Public access from Somerstown Road should be considered in concert with conservation efforts on Parcel #27, which could be achieved from Parcel #28. This Parcel connects to Parcel #27 at its southwestern end, with access from Somerstown Road. This property is currently owned by an arts organization, with development focused in one area near the roadway. The “rear,” or eastern portion of the property is forested, with a stream on site that is only visible from aerial images (not mapped by NYS DEC). A conservation easement over this portion of the site would preserve valuable forest and surface water habitat and potentially expand the passive recreational offerings from Ryder Park.

4.3. TOWN CODE RECOMMENDED AMENDMENTS

To facilitate the proper use and conservation of key parcels in the Town of Ossining, this Plan recommends adopting amendments to the zoning to guide the assessment of sites for open space conservation by updating the cluster development regulations and adopting conservation overlay zoning.

Cluster Development Amendments

1. Consolidate and Clarify Cluster Development Regulations and Procedures

Currently, provisions for cluster development are discussed in §200-6.F, §200-31.A (zoning) and §176-11 (Subdivision of Land). The “purpose” of a cluster development is outlined in §200-31.A, while the “objectives” are outlined in §176-11.B, and important considerations for the accounting of natural resources are discussed in §200-6.F. These sections rely on subdivision and/or site plan requirements and other permitting requirements dispersed throughout the Town Code to inform the appropriate submission data, process, and the unique considerations for the Planning Board to apply to cluster development applications.

To clarify the process, the Town should implement the following:

- Consolidate all cluster development regulations into one chapter.
- Define “constrained lands”, “sensitive lands”, “natural resources” or similar terms that can be utilized to calculate thresholds and impacted areas through the cluster development process.
- Create a clear process or calculation for the Planning Board’s assessment of cluster development, such as a natural resource or recreational connectivity analysis. Steep slopes, wetlands and hydric soils, surface waters, forested areas and sensitive habitats, nearby parks or easements should be mapped by the applicant as part of the application, and other relevant information may be required to facilitate the analysis of appropriate development and open space layout. Important and substantial areas of natural resources should be avoided and conserved, and connections to larger open space and trail networks should be prioritized in subdivision design.

- Establish a threshold for the conservation of sensitive resources in a cluster subdivision. For example, the cluster development layout should seek to set aside 50 to 75% of identified resources as open space.
- Allow for alternative ownership and management models for conserved lands resulting from cluster development. Current regulations require that the lands set aside be managed by a homeowner's association, though it could be dedicated to the Town of Ossining, placed under a conservation easement, or utilize other development restrictions that allow for preservation and/or use and enjoyment by the public. While the Town may not necessarily mandate this on private property, the Code could include certain benefits to the applicant from implementing these mechanisms, such as a density bonus or reduction/elimination of the recreation fee.

2. Expand the Applicability of Cluster Development

Currently, cluster development is at the discretionary request of the Planning Board or applicant, with little incentive to utilize the process. The Town should consider the following amendments to expand the applicability and feasibility of cluster development.

- Consider requiring cluster development for any subdivision of more than three (3) lots in the R-20, -30 and -40 zoning districts. Alternatively, an overlay district could be considered, which would require cluster development based on qualifying criteria, under a unique regulatory section of the code.
- Allow the transfer of permitted density to span housing unit types, i.e., from single-family detached units to two-family, townhomes, or multifamily units, in the interest of clustering development away from sensitive resources.
- Remove current regulations that require a covenant restricting all parcels in a conservation development to single-family homes, as NYS Law allows a range of housing types through cluster development, at the discretion of the Town.
- Allow for flexible home siting within a cluster development where appropriate setbacks are determined through subdivision or site plan review.

3. Incentivize the use of Cluster Development

Currently, the development density for cluster subdivisions must be based on the layout of lots in a conventional subdivision, which, in Ossining, requires that a buildable lot contain no more than 25% of land area as wetlands or extremely steep slopes. This could limit the overall development density of a subdivision and, therefore, limit the appeal of applying cluster development regulations. The Town should consider the following amendments:

- Allow a development density based on gross lot area or alter the definition of a buildable lot to be one in which a dwelling can be legally located, given the bulk requirements of the district, without physically disturbing specific natural resources.
- Establish a separate density calculation for a cluster subdivision related to the overall area of environmentally constrained lands on the site prior to subdivision.
- Incentivize the use of cluster development in certain scenarios. For example, an increase in allowable density for the provision of a trail spur, or public access to protected open space

created as a result of the cluster.

Zoning Overlays

1. **Establish higher standards for subdivision and site plan review within the Indian-Brook Croton Gorge Watershed Overlay Protection District**
 - Require the establishment of conservation areas as part of site plan review, where clearing or other land disturbances outside of designated areas of disturbance will be prohibited or limited using deed restrictions, conservation easements, or other appropriate mechanisms.
 - Expand buffer requirements adjacent to surface waters and wetlands to be vegetated and require reintroduction of vegetation in buffers for currently mowed areas.
 - Apply recommended improvements to the cluster regulations per above.
2. **Consider a Conservation Overlay District for identified Key Parcels**
 - Require cluster subdivisions for all proposed residential subdivisions within the key parcels identified within this Open Space Plan.
 - Require the establishment of conservation areas as part of site plan review, where clearing or other land disturbances outside of designated areas of disturbance will be prohibited or severely limited using deed restrictions, conservation easements or other appropriate mechanisms.
 - Consider requiring forest clearing mitigation, such as payment into a tree fund or in-kind tree replacement in these areas, and require low-impact, native landscaping for areas within the disturbance footprint.
 - Apply recommended improvements to the cluster regulations per above.

Acquisition

While the Town does not have the existing funds to purchase open spaces, there are occasionally County, State, and Federal programs that provide grants or funding for acquisition. At times, properties can be bought by land trusts or other not-for-profit. New York State also permits a permanent or time-limited revenue stream, such as a Community Preservation Fund, derived from existing or new taxes or fees, to be used for acquiring property for open space. Acquisition can be used in conjunction with the other Town Code amendments detailed above.