



## **PD. Introduction & Project Description**

This document is the Final Supplemental Environmental Impact Statement (FSEIS) for the proposed Hidden Cove on the Hudson project (the "Project" or "Proposed Action") in the Village of Ossining, New York. The applicant for the Project is Plateau Associates, LLC (the "Applicant").

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### **PD.1 Purpose and Content of the FSEIS**

This Final Supplemental Environmental Impact Statement ("FSEIS") has been prepared pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617 of the Rules and Regulations of the New York State Department of Environmental Conservation ("DEC"). The Planning Board of the Village of Ossining ("Planning Board") is the Lead Agency for review of the proposed Project pursuant to SEQRA.

This FSEIS incorporates by reference the Draft Environmental Impact Statement ("DEIS" or "2008 DEIS"), and Supplemental Environmental Impact Statement ("SEIS" or "2013 SEIS"), prepared for the Project. The Planning Board accepted both the 2008 DEIS (in December 2008) and 2013 SEIS (on December 19, 2012) as complete and accurate, and ready for public review. As described below, the accepted 2008 DEIS and 2013 SEIS were both subject of Public Hearings conducted by the Planning Board, and written comment periods.



This FSEIS is divided into 4 Chapters. This Chapter PD, Introduction and Project Description, contains a brief description of the Project studied in the 2008 DEIS and 2013 SEIS, and a description of the refinements made to the Project since the 2013 SEIS (the "Project Refinements"), as reflected on the current site plans prepared for the Project by Petruccelli Engineering, and submitted with this FSEIS (the "Site Plans" or "Current Site Plans"). The Project Refinements were made in response to comments by the Planning Board, other involved agencies, and the public.

Chapter 1.0 studies the potential significant adverse environmental impacts of the Project Refinements, if any, as compared to the plan studied in the 2013 SEIS, and proposes mitigation measures where applicable. For purposes of this FSEIS, the 2013 SEIS is the baseline against which the potential impacts of the Project Refinements are analyzed. For purposes of this FSEIS, the Project, with the Project Refinements, shall at times be referred to as the "Project," "Current Project," and/or "Current Proposed Action." Chapter 1.0 also summarizes the analyses contained in the accepted SEIS, and indicates where there have been no changes to such analyses.

Chapter 1.0 also studies the potential significant adverse environmental impacts of two layouts for roadway improvements to North Water Street, which provides access to the Project. As described below, the Center Road layout has always been proposed as part of the Project, and has been updated to comply with Fire Department requirements. The West Road layout, a concept of which was previously shown to the Planning Board in Fall 2017, is included in this FSEIS and the Current Site Plans in the event that the Applicant reaches a final signed agreement with the adjoining property owner to realign the Center Road approximately 25 feet to the west.

Chapter 2.0 includes all substantive comments regarding the Project received during the 2013 SEIS comment period, and a response to each comment based upon the Current Site Plans submitted with this FSEIS. Comments are organized by subject matter, and similar comments are grouped together. Based on prior discussions with the Lead Agency, Chapter 2.0 does not require an individual response to each comment received during the DEIS comment period because they all pertained to a former iteration of the Project involving the development of the adjoining properties commonly known as the plateau.

Chapter 3.0 contains the transcripts from the public hearings on the 2013 SEIS. Chapter 4.0 contains a copy of all comment letters received on the 2013 SEIS.



Chapter 5.0 is the Appendix, which contains all supporting documentation and various supporting technical studies. A full set of the Project's Current Site Plan drawings, as well as an updated Stormwater Pollution Prevention Plan and Stormwater Capacity Analysis Report, both of which were prepared by Petrucci Engineering, are included in the Appendix.

## PD.2 Background and Project History

The table below provides a comparison of the anticipated impacts associated with the 2008 DEIS Project, the 2013 SEIS Project, and the Current Proposed Action. Each of these plans are described in more detail following Table 1. As Table 1 shows, the Current Proposed Action is expected to result in reduced site disturbance impacts as compared to the 2013 SEIS due primarily to the elimination of the secondary emergency access roadway.

**Table 1 2008 DEIS Project, 2013 SEIS Project, and Current Proposed Action Comparison**

	<b>2008 DEIS Project</b>	<b>2013 SEIS Project</b>	<b>Current Proposed Action</b>
Zoning	Proposed Project includes: <ul style="list-style-type: none"><li>• Rezone PRD portion of the site to WD-2 district</li><li>• Text amendment to WD-2 district to give ability to waive mixed-use requirement</li><li>• Conditional use permit</li><li>• Area variance</li></ul>	Proposed Project includes: <ul style="list-style-type: none"><li>• Special permit to allow 22 units per acre plus the application of density bonuses for use of green building techniques and provision of affordable housing, to achieve allowable density of 26.62 units per acre</li><li>• Site was rezoned in 2009 to PW-a district, no rezoning required</li></ul>	Same as 2013 SEIS
No. of Units/ Buildings	132 units in 4 buildings (mix of 1-, 2-, and 3-bedroom units): <ul style="list-style-type: none"><li>• 24 units in renovated Pill Factory</li><li>• 40 units in annex building</li><li>• 56 units in plateau building</li><li>• 12 units in townhouses</li></ul>	137 units in 1 building (mix of 1-, 2-, and 3-bedroom units)	137 units in 1 building (mix of 1- and 2-bedroom units)
Building Height	<ul style="list-style-type: none"><li>• Pill Factory: 3-4 stories (50 ft)</li><li>• Annex: 4 stories (44 ft)</li><li>• Plateau building: 6 stories (66 ft)</li></ul>	6 stories (69.4 feet)	Same as 2013 SEIS



	<ul style="list-style-type: none"> <li>• Townhouses: 2 and ½ stories (38 ft)</li> </ul>		
Visual Impact	Highly visible building on the plateau	No building on the plateau, larger but less visible single building, no upland areas will have their river views blocked	Same as 2013 SEIS
Development on Plateau	56 units in 6-story (66 feet) building	No development on plateau	Same as 2013 SEIS
Site Disturbance	<ul style="list-style-type: none"> <li>• ±64,454 cy of cut with ±11,772 cy to be used as fill, ±52,682 cy removed</li> <li>• ±26.5 feet removed from top of plateau</li> </ul>	<ul style="list-style-type: none"> <li>• ±24,900 cy of cut</li> <li>• ±24,000 cy of fill</li> <li>• ±900 cy removed from site</li> </ul>	<ul style="list-style-type: none"> <li>• ±13,500 cy of cut</li> <li>• ±21,300 cy of fill</li> <li>• ±7,800 cy net total fill</li> </ul>
Floodplain	No floodplain issues	Revised FEMA Flood Maps indicate floodplains on-site, requiring: <ul style="list-style-type: none"> <li>• Higher building elevations</li> <li>• Revised grading</li> <li>• Alternate access route for emergency access during 100-year storm events</li> </ul>	Primarily the same as 2013 SEIS <ul style="list-style-type: none"> <li>• Alternate access roadway eliminated and North Water Street to be improved to be compliant with FEMA/Fire Department requirements</li> </ul>
Surface Water Resources	Impacts to 0.07 acres of the watercourse area.	No change to watercourse disturbance	Same as 2013 SEIS
Traffic	<ul style="list-style-type: none"> <li>• Peak AM: 11 vehicles entering, 54 vehicles exiting</li> <li>• Peak PM: 51 vehicles entering, 25 vehicles exiting</li> </ul>	<ul style="list-style-type: none"> <li>• Peak AM: 11 vehicles entering, 55 vehicles exiting</li> <li>• Peak PM: 52 vehicles entering, 26 vehicles exiting</li> </ul>	Same as 2013 SEIS 2013
Parking Spaces	325 parking spaces <ul style="list-style-type: none"> <li>• 118 spaces in plateau garage</li> <li>• 126 spaces in garage next to annex</li> <li>• 12 garage spaces for the townhouses</li> <li>• 23 surface spaces on plateau</li> <li>• 28 surface spaces at Mill Building</li> <li>• 18 surface spaces near townhouses</li> </ul>	193 parking spaces <ul style="list-style-type: none"> <li>• 166 garage spaces</li> <li>• 27 surface spaces</li> </ul>	196 parking spaces <ul style="list-style-type: none"> <li>• 150 garage spaces</li> <li>• 46 surface spaces</li> </ul>
Population	261	321	295
School Children	11 school-age children	27 school-age children	19 school-age children



## **PD.2.1      2008 Proposed Project and 2008 DEIS**

In 2008, the Applicant prepared a Draft Environmental Impact Statement (DEIS) under SEQRA for the Project. The Project would be located along North Water Street in the northern end of the Village, in close proximity to the Hudson River.

In 2008, the Project was proposed to be located on a site owned by the Applicant known as Section 89.14, Block 1, Lot 11 on the Village Tax Map, as well as two other adjoining lots also owned by the Applicant and commonly known as the plateau (Section 89.18, Block 1, Lots 5 & 6). As discussed below, in response to comments from the Planning Board, the plateau properties are not proposed for residential development at this time under the Current Project. Lot 5 would contain excavated and/or rock cut associated with the roadway improvements along North Water Street. For purposes of this FSEIS, the term "Project Site" or "Site" shall refer to Section 89.14, Block, 1, Lot 11.

The proposed redevelopment in 2008 corrected a split zoning of a portion of the Applicant's properties, and contemplated the construction of 132 total residential units in four buildings, including: the then-existing mill building containing 24 units; an adjacent annex building with 40 units; a 56-unit building to be constructed on the plateau; and 12 townhouse units to the west at the base of the plateau (the "2008 Proposed Project").

The 2008 Proposed Project included a total of 325 parking spaces to be provided on-site, 118 of which would have been located in a garage on the plateau lots, and 126 of which would have been located in a garage next to the annex building. The townhomes would have provided 12 garage spaces. An additional 23 surface parking spaces would have been provided at the plateau building, 28 surface parking spaces at the mill building, and 18 surface parking spaces near the townhouses. The 2008 Proposed Project also involved improving North Water Street to provide safe access to the Project.

The 2008 DEIS that studied the 2008 Proposed Project followed the DEIS Scope adopted by the Planning Board. The DEIS also examined several alternatives, including an alternative development scenario in which the existing buildings would be demolished. The DEIS was accepted as complete, and the Planning Board conducted a Public Hearing on the DEIS in December 2008. Written comments were received in December 2008 and January 2009.



## **PD.2.2      2011 Alternative Site Plan and 2013 SEIS**

Following the DEIS public comment period, the Applicant revised the 2008 Proposed Project based on the comments received on the DEIS, and in light of 2009 amendments to the Village's Zoning Ordinance, Zoning Map and Comprehensive Plan. The Village's re-zoning changed the zoning classification of the Site (Lot 11) to PW-a. A key revision was removing the residential redevelopment of the plateau from the Project in response to the Planning Board's and the public's comments. In addition, while the 2008 Proposed Project included the adaptive re-use of the mill building and other on-Site buildings, that was no longer feasible for various reasons. These included FEMA's recalculation of flood zones, which placed the mill building and other on-Site buildings at greater risk, the poor condition of the structural integrity of these buildings, and the challenges involved in obtaining financing for the historic restoration without the development of the plateau.

The Applicant appeared before the Planning Board on November 22, 2011, to present an alternative site plan that reflected the Village's 2009 rezoning for the Site and other revisions since the 2008 DEIS (the "2011 Alternative Site Plan"). The 2011 Alternative Site Plan included demolition of the then-existing buildings on the Site, and redevelopment of the Site (now zoned PW-a) with a single, six-story residential building. The building would have included 137 rental apartments, with a unit mix of 25 one-bedroom units, 98 two-bedroom units, and 14 three-bedroom units. 14 of the 137 units would have been maintained as affordable. The 2011 Alternative Site Plan did not include development of the adjacent plateau property, which is zoned CDD. A total of 193 parking spaces would have been provided, including 166 garage parking spaces and 27 surface spaces.

On April 3, 2012, the Applicant's representatives met with Village staff, consultants and Fire Department officials to review secondary access and circulation in the event that North Water Street was flooded due to a storm event. As a result of that meeting, the Applicant made further revisions to the plan to provide adequate access and circulation, and to design a secondary access road, which would provide adequate width and turning radius to



accommodate Village Fire apparatus.<sup>1</sup> In addition, the finished floor elevation of the garage was revised from 12 to 15 to account for the elevation changes in the revised FEMA Flood Maps. The stormwater conveyances were also revised due to the revised access plan and building elevations.

The Planning Board determined that although the 2011 Alternative Site Plan was studied as an alternative in the 2008 DEIS, the 2008 DEIS did not contain sufficient information relative to these revisions to permit the Planning Board to make SEQRA Findings with regard to the potential environmental impacts. Therefore, the Planning Board required the preparation of a Supplemental Environmental Impact Statement ("SEIS"). The SEIS was intended to analyze the new potentially significant adverse environmental impacts, if any, resulting from proposed Project changes reflected in the 2011 Alternative Site Plan, which the Planning Board felt were not addressed, or inadequately addressed, in the 2008 DEIS.

On July 24, 2012, the Planning Board held a Public Hearing on the scope for the SEIS. The public comment period was held open until August 22, 2012. The final SEIS Scope was adopted by the Planning Board on August 28, 2012.

In October 2012, the Applicant prepared a preliminary SEIS, which was submitted to the Planning Board for review. Based on comments from Village professional staff and consultants, the Applicant further revised and re-submitted the SEIS. On December 19, 2012, the SEIS was accepted as complete in terms of scope, content and adequacy. A Public Hearing was held on the SEIS on January 29, 2013 (as defined above, the "2013 SEIS"). The comment period was held open through February 26, 2013.

### **PD.2.3      2017-2018 Refinements to the Project Since the 2013 SEIS**

In this FSEIS, the Applicant proposes certain additional refinements to the Project that were not previously shown on the 2011 Alternative Site Plan or studied in the 2013 SEIS. These further refinements (collectively, as defined above, the "Project Refinements") are, as follows:



<sup>1</sup> Meeting on April 3, 2012 attended by: Fire Chief Thomas Reddy; Paul Fraioli, Village Engineer; Alberto Ciraco, Director of Code Enforcement/Building Inspector; Joe Cermele PE, Kellard-Sessions Engineers; Valerie Monastra, Village Planner; Rudolph Petrucci PE (for the Applicant); Gina Martini (for the Applicant).



1. Eliminate 3-BR units.

This revision to the Project reflects Local Law No. 4-2014, in which the Village Zoning Law was amended to eliminate the mandatory ten percent requirement for inclusion of three-bedroom units in the bedroom mix for residential projects in the PW-a zoning districts. This made the inclusion of three-bedroom units discretionary. It is the Applicant's position that the Project would be more marketable in this location in the Village without three-bedroom units. The total number of dwelling units has not changed.

2. Eliminate Secondary Emergency Access.

The Applicant, together with Village Fire Department officials, determined that the secondary emergency access road proposed as part of the 2011 Alternative Site Plan would be difficult to construct per Village Code, and would require offsite improvements to an existing driveway not controlled by the Applicant. In consultation with the Fire Department, an alternative plan was proposed to raise North Water Street to an elevation that would allow emergency vehicles to access the Project Site (and adjacent parcels) during a 100-year storm event.

During a meeting on June 2, 2017 with the Applicant's representatives and Village staff, the Fire Chief indicated that a roadway having an elevation no more than 2 feet below the 100-year flood elevation 10, as mapped by FEMA, would provide the requisite emergency access to the Project. As designed, approximately 600 linear feet of the ±1700 linear feet improved roadway is required to be raised to a minimum elevation 8. Approximately 400 feet will require 0 to 2 feet of fill, approximately 100 feet of roadway will require 2 to 3 feet of fill, and approximately 100 feet of the roadway will require up to 3.3 feet of fill at the area low point within the Conga Property (defined below).

With these and other design elements, the improved Road would provide greater safety and accessibility to pedestrians, and vehicular traffic. This is especially critical in that the Village has identified North Water Street as a public access route to the Crawbuckie Nature Preserve.



### 3. Revise Building Footprint.

As part of the revisions reflected on the Current Site Plans to address emergency access, the building footprint was revised to eliminate the 'bump out' on the north side of the building. The drive aisle and parking lot are now proposed to extend in front of the full length of the building to provide fire truck access in compliance with Appendix D of the 2015 International Fire Code.

### 4. West Road Alternative.

As part of the Project, the Applicant has always proposed to improve the existing road along North Water Street. The improvements would include pavement, sidewalk, curbs, utilities, drainage, lighting, and other related improvements along the 30-foot right-of-way (collectively, the "Road"). Portions of the Road would be built on property owned by: (i) the Village (Section 89.18, Block 1, Lot 11) (the "Village Property")<sup>2</sup>, (ii) Conga Realty LLC (formerly Santucci) (Section 89.18, Block 1, Lots 3 and 10) (the "Conga Property"), and (iii) Hanrahan Gioio Realty, LLC (commonly known as Castle Plumbing) (Section 89.18, Block 1, Lot 4) (the "Castle Property"), pursuant to various easement and other legal rights of access that the Applicant possesses over these properties.

In this FSEIS and on the accompanying Current Site Plans, an additional Road layout alternative is studied and shown only for that limited portion of the Road that would cross the Conga Property. To date, the Project has shown the Road to be improved in its existing location, which crosses the Conga Property generally through its center (the "Center Road" or "Center Road Alternative"). The new alternative shows the portion of the Road on the Conga Property shifted approximately 25 feet to the west (the "West Road" or "West Road Alternative"), in the event that the Applicant and Conga reach a final written agreement to realign the Road in this manner. This concept was previously shown to the Planning Board in Fall 2017, and is now formally included as part of the Current Project as a roadway alternative to allow flexibility for the final Road design.



<sup>2</sup> This Lot 11 is commonly referred to as "Lot 6" based on the prior tax map designation. For purposes of this FSEIS, the Village Property will also be referred to as Lot 6 to be consistent with its common usage.



5. Reflect demolition of the mill building.

This FSEIS reflects that the mill building was demolished in 2015-16 pursuant to the approved demolition permit. The remaining structures, including the office building and the out-building, will be demolished as was proposed in the 2011 Alternative Site Plan.

Finally, while no other changes have been made to the 2011 Alternative Site Plan (which was studied in the 2013 SEIS) other than those noted above, the Project Site Plans (last revised April 9, 2018) and Stormwater Pollution Prevention Plan ("SWPPP") (last revised April 9, 2018), have been updated to reflect prior comments of the Planning Board and the Board's Engineering Consultant.

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### **PD.3 Project Description**

The Current Proposed Action involves the construction of a new, six-story residential building, together with new pavement, sidewalk and other off-Site roadway improvements to North Water Street in order to provide safe, code-compliant access to the Project Site and other surrounding properties.

In addition to raising North Water Street to an elevation that allows emergency vehicles to access the Project Site and adjacent parcels, including Crawbuckie Nature Preserve, during a 100-year flood event, horizontal alignment improvements are proposed to eliminate sharp curves and improve sight lines to construct a Road that meets Village standards. All recommendations from the Planning Board's Engineering Consultant have been incorporated into the off-Site roadway design (North Water Street) as shown on the Current Site Plans.

The proposed building would occupy most of the previously developed, flat area on the Project Site, and be constructed into the hillside to minimize viewshed impacts from all ordinal points, and especially points east. (see Current Site Plans). The proposed residential building would be composed of masonry and glass, and constructed in conformance with the zoning regulations meeting all building setback and height requirements. Onsite parking will be included in the lower level and within exterior parking lots along the north side of the building.



Access to the new building is proposed through the lobby located along the north face of the building where residents and guests will arrive at street level, after being dropped off under the port cochere, parking in the exterior lot, or parking in assigned spaces in the ground floor interior parking facility.

The new six-story residential building would include 137 rental apartments, including 34 one-bedroom units and 103 two-bedroom units. As mentioned, no three-bedroom units are proposed as a result of the change in Village Zoning requirements. The Project will include 14 affordable units. There are 6 similar floors of apartments situated on both sides of a corridor that runs east-west. The apartments are all designed such that each apartment has a direct or indirect view of the Hudson River.

Vehicular access to the garage is just east of the main entrance. There is a second vehicular access to the parking garage to the west, just off North Water Street. A total of 189 parking spaces are required for the Project. As currently proposed, a total of 196 parking spaces will be provided, including 150 garage parking spaces and 46 outdoor surface parking spaces. The total parking allocation will include 186 standard parking spaces, plus 10 handicap spaces.

The Project will provide on-site amenities for Project residents, including an enclosed swimming pool, exercise room, and concierge. A deck over the parking level will provide outdoor recreation space. Access to the recreation deck and pool is from the elevators and the lobby.

The revised FEMA Flood Maps indicate that the 1% storm is at elevation 10, up from 7, and the 0.2% storm is at elevation 15. As a result of the elevation changes, the garage finished floor was previously revised in the 2013 SEIS from 12 to 15, and the Road network to the building has been designed to accommodate the new building elevations.

The proposed Stormwater Management Plan for the Project is described in Chapter 1.0. In summary, the Project would adequately manage the stormwater flows for water quality and quantity, in accordance with the Village standards. The building roof is designed as a detention facility with a metered outflow. The exterior parking lot is designed to incorporate porous pavement to capture and infiltrate stormwater runoff to provide water quality mitigation.

The stormwater management plan for the off-Site roadway improvements to North Water Street include the construction of a new collection system comprising of catch



basins with sumps and a piping network. Runoff from the Road will be directed to hydrodynamic separators to provide water quality mitigation prior to discharging into the Hudson River. See Appendix 5.7 for the complete Stormwater Pollution Prevention Plan.

### **PD.3.1 Public Amenities**

In addition to a newly improved North Water Street, the Project also includes a number of public benefits, as follows:

- Sidewalk for safer pedestrian access to Crawbuckie Nature Preserve
- Open-air pavilion celebrating the mill building
- Sidewalk across the Village's road traversing its Lot 6
- Opportunity to extend the RiverWalk along a significant length of waterfront
- Improved infrastructure by relocating a water line from beneath an existing structure
- Improved stormwater management, reducing impact on the Hudson River
- Implementation of the Village's Comprehensive Plan for the North of Snowden quadrant

### **PD.3.2 Two Roadway Alternatives**

The Project will be served by an improved access connection to North Water Street. North Water Street is an existing two-lane roadway of varying widths, which runs generally in a north/south direction through the area. North Water Street originates at an "all way stop" intersection with Snowden Avenue and opposite Water Street. It continues in a northerly direction crossing the Conga Property, Castle Property, and Project Site, and terminates at the access to the Clear Cast Technologies and Diamond Dairy properties. The existing pavement is in various states of disrepair, and lacks sidewalk, curbing, lighting, and proper stormwater management facilities. All of the roadway is well below the 100-year flood elevation within the Conga Property and is prone to flooding during extreme rainfall events.

This FSEIS studies two (2) alternative layouts for roadway improvements to North Water Street to provide safe and improved access to the Project and surrounding properties. The Proposed Action remains what is now known as the **Center Road Alternative**. The Center Road Alternative is the same layout



as studied in the 2008 DEIS and 2013 SEIS. It would keep the offsite Road within the existing easement locations across the Village Lot 6, Conga Property, and Castle Property. The newly shown **West Road Alternative** would relocate the portion of the roadway on the Conga Property approximately 25 feet to the west of the Center Road Alternative. The West Road Alternative is being studied in this FSEIS so that additional SEQRA and site plan review would not be required in the event that the Applicant and the owner of the Conga Property enter into a final written agreement to relocate this portion of the Road to the west. Both alternatives are described below.

### **PD.3.2.1 Center Road Alternative**

The Current Site Plans have been designed to address safe vehicular/pedestrian circulation and site access in compliance with the Village Fire Department's requirements for emergency access, and the 2015 International Fire Code. The Current Site Plans submitted with this FSEIS have been updated to include the engineering details of the horizontal and vertical alignment of a new, 30-foot wide improved right-of-way, including two, 12-foot wide vehicular travel lanes, a 4-foot wide sidewalk, curbs, and a new stormwater collection system designed in compliance with NYSDEC and Village standards.

Under the Center Road Alternative, the improvements to North Water Street would be generally in the same location as the existing pavement and traveled way as it exists today, and has existed for decades. The existing traveled way traverses through the Village-owned Lot 6, and the Conga and Castle Properties to the Project Site owned by the Applicant. The Road is designed to be in conformance with Village standards for both horizontal and vertical alignment as detailed below.

The Center Road Alternative is consistent with the Road as shown on recent site plan approvals for the Conga Property, including an approved location of the access road (North Water Street) across that property.

### **Horizontal Alignment Improvements**

The Road is designed to meet the Village roadway design standards, including the following:

- Minimum horizontal radius of 150 feet



- Minimum tangent between curves of 50 feet
- Maximum grade of 6%
- 300-foot sight distance

With these improvements, and as shown on the Current Site Plans, driveway curb cuts will be defined to maintain access to the adjacent buildings and parking areas within the Conga and Castle Properties. These proposed curb cuts are generally consistent with those shown on an approved Site Plan for the Conga Property, and generally consistent with the existing curb cuts within the Castle Property.

### **Vertical Alignment Improvements**

In 2013, the 100-year Base Flood Elevation was revised by FEMA to elevation 10 in the vicinity of the Project. The Village Fire Department requested that the improved Road, serving as fire/emergency access, be constructed such that no more than two (2) feet of standing water would potentially flood the Roadway. In response to the Fire Department's requirements, the improved road is shown at a minimum elevation of 8' such that emergency vehicles can access the Site during the 100-year flood.

The existing roadway predominantly ranges in elevation from 10 to elevation 6. A small portion of the existing road at the area low point within the Conga Property is at elevation 5.2, requiring a minimum elevation change of 2.8 feet. The proposed Road is shown to be within a fill section from station  $\pm 2+50$  to station  $\pm 8+50$  and require approximately 2,700 cy of structural fill. This will require the improved 30-foot wide Road section to be supported by retaining walls, of varying heights. Approximately 400 linear feet of the roadway will require retaining walls ranging in height from 12 inches to 24 inches, approximately 100 linear feet of roadway will require retaining walls up to 36 inches in height, and approximately 100 linear feet of the roadway will require retaining walls having a maximum height of 42 inches. The fill required for this elevation change will be generated on-Site from the cut sections within the proposed building footprint, minimizing construction traffic beyond North Water Street.

In order to maintain vehicular access to the existing buildings within the Conga Property, grading is required as shown on the Current Site Plans in order to provide a transition from the new elevation of the improved Road to the



existing elevation within the Conga Property. These fill sections are located within designated driveway and parking facility locations specified on the approved site plan for this property. The elevation change and filled sections, once completed, would permit safe and functional access and use of the Conga Property comparable with existing conditions. New curb cuts are shown on the Current Site Plans with proposed driveway access locations having slopes consistent with the Village standards. This regrading outside the 30-foot right-of-way is generally confined to approximately 11,000 square feet in area, and approximately 300 cubic yards of fill to provide access to existing buildings on both the east and west side of the new roadway. Turning movements have been analyzed along the newly graded driveway to the Conga Property to provide adequate 3 point turning for passenger vehicles and a dump truck measuring 23 feet in length. Longer vehicles were studied; however, additional movements are required to turn the longer vehicle. Upon review of the existing Site Plan for the Conga Property, the proposed configuration does not appear to limit the turning movement previously provided.

The Conga Property owner would continue to have ingress/egress to its building through the door on the south side of the building. For the owner to maintain its east-side building access, this could be achieved by raising the sill of the already unsafe doors (which open just a few feet from the travelled way) to meet the elevation of the improved Road and sidewalk, with a step-down into the building. This would improve safety conditions by creating access from the doors onto a sidewalk rather than a travelled way.

With respect to the Castle Property, minimal elevation change is required because the lowest elevation is 7 in the driveway area south of the building. Approximately 50 cubic yards of fill are required within approximately 3,200 square feet to regrade the driveway to maintain access from a new curb cut. No change in elevation is required within the parking area to the north of the Castle Property.



## **Stormwater Management**

Existing Conditions: All stormwater runoff from the Conga Property and uphill contributing areas is directed to a catch basin at the area low point south of the existing masonry building adjacent to the MTA railroad on the west side of the existing road. Runoff discharges directly to the Hudson River without water quality or quantity control. Runoff from the catch basin is piped approximately 30' to an existing culvert under the MTA tracks.

Proposed Condition: As described below in Chapter 1.6, a new stormwater collection system is proposed to adequately manage the stormwater runoff from the improved Road, in accordance with the NYSDEC and Village standards. In summary, runoff from the improved roadway will be directed to new catch basins and be directed to hydrodynamic separators to provide water quality treatment of the runoff from the roadway and sidewalk, sized to attenuate the required water quality volume (WQv) for this improved offsite Road.

To maintain the existing drainage patterns within the Conga Property, a new catch basin on the east side of the improved Road will be located to receive stormwater runoff from uphill areas and discharge to the Hudson River through an existing culvert under the MTA railroad.

The infrastructure improvements incorporated in the proposed Road provides better handling of stormwater runoff, representing an additional public benefit.

### **PD.3.2.2 West Road Alternative**

The West Road Alternative would shift the portion of the improved North Water Street on the Conga Property approximately 25 feet to the west of the Center Road Alternative.

The West Road Alternative would modify the horizontal alignment of the Road from Sta  $\pm 3+00$  (adjacent to Village-owned Lot 6) to Sta  $\pm 9+00$ , where the Roadway would then continue to cross the Castle Property as shown in the Center Road Alternative and into the Project Site. This alternative horizontal realignment requires a signed agreement with the owner of the Conga Property, including its obligation to demolish an existing building located on the Conga Property located within this potential realigned right-of-way 25 feet to the west.



The proposed vertical alignment under the West Road Alternative would be the same as the vertical alignment proposed under the Center Road Alternative. It would have a minimum elevation of 8. The West Road Alternative would require the same amount of fill to construct the Road to the minimum elevation 8 ( $\pm 2700$  cubic yards) as the existing grade is generally consistent from the existing traveled way to the westerly property line. The proposed curb cuts within the Conga Property are shown on the Current Site Plans, and would require a similar area of disturbance and amount of fill to meet existing grade from the raised Road elevation.

### **Stormwater Management – West Road Alternative**

The stormwater collection system for the West Road Alternative follows the same design standards as those for the roadway in the Center Road Alternative. Runoff will be directed to catch basins and hydrodynamic separators sized to attenuate the required water quality volume (WQv). This alignment will require the existing catch basin in the Conga Property to be relocated to the west to ensure the existing flow of stormwater runoff can be captured and directed to the Hudson River to maintain the existing drainage patterns.

### **PD.3.2.3 Roadway Maintenance**

The Applicant would be initially responsible for maintenance and repair of the Road, including snowplowing, as reasonably necessary to maintain the Road in good and functional operating condition, and to insure the provision of safe access by emergency vehicles. The Applicant proposes that in the event that any of the surrounding properties receive approvals from the Village that would change their current approved use, then that property owner shall share in all maintenance and repair costs on a pro rata basis, based upon the area of that owner's property as a percentage of the overall area of the other properties contributing to the maintenance and repair costs. The Planning Board could require such cost sharing as a condition of approval for any other property owner, including requiring that owner to enter into a Road Maintenance Agreement with the Applicant (and possibly others) to memorialize the relevant terms.



### PD.3.3 Permits and Approvals

The Proposed Action requires the following permits and approvals:

**Table 2 Permits and Approvals**

<b>Involved Agency</b>	<b>Permit/Approval</b>
Planning Board	SEQRA Findings, Site Plan Approval, density bonus for use of green building techniques and affordable housing
Village Board of Trustees	Easement or license agreement for certain roadway improvements on Village-owned Lot 6; Planned Waterfront Special Permit (unless granted by Planning Board)
Village Building Department	Building Permits
Village Dept. of Public Works	Curb Cuts
Westchester County Health Department	Water and Sewer
NYS Department of Environmental Conservation	SPDES Permit for Stormwater; Protection of Waters Permit
Army Corp Of Engineers	Nationwide Permit or Standard Permit (SP)

#### PD.3.3.1 Density

The Project would include 137 residential units, 14 of which would be affordable housing units. The density is calculated, as follows: a Planned Waterfront Special Permit under Section 270-23(l) of the PW-a zoning regulations allows a baseline density of 22 units per acre, plus an additional 10% density bonus for use of green building techniques (resulting in an allowable density of 24.2 units per acre), plus an additional 10% density bonus for the provision of affordable housing (resulting in an allowable density of 26.62 dwelling units per acre). Accordingly, the approximately 5.14-acre Site yields 137 residential units. Fourteen of the 137 dwelling units will be affordable housing units.

#### Density Bonus for Green Building Techniques

Pursuant to the Village Zoning Law §270-23 l.(4) ("Density bonus incentives"), the Applicant seeks a density of bonus of 10% in exchange for using green building techniques. It is anticipated that, after



construction, the Project would achieve LEED Gold certification or a similar level of standards. At a minimum, the Applicant would achieve LEED Silver certification or similar standard.

The Project is expected to include the following green building techniques:

- › Transit oriented development
- › Retain existing virgin green space
- › Energy efficient mechanical equipment
- › Energy efficient lighting
- › Retaining most of the parking requirement under the building structure
- › Xeriscaping
- › Green roof (low albedo reflective roof, not a vegetated system)
- › FSC certified wood
- › No excess parking
- › Renewable power
- › Electric vehicle installation
- › Using the existing masonry as part of the site fill, reducing materials shipped off-site
- › Gray water retention

Under Section 270-23(l)(5) of the Zoning Law, the Planning Board shall grant a density bonus of 10% for the “green building” amenity, provided that the Board finds that the amenity is proportional to the requested density bonus. The requested 10% is proportional to the use of green building techniques as the green technologies would advance the strong public interest in environmentally sustainable land and building development. This is compatible with the goals of the Village as set forth in the Comprehensive Plan supporting and encouraging green building features and sustainable development of both private and public infrastructure construction, maintenance and operation.<sup>3</sup>



<sup>3</sup> Village of Ossining Comprehensive Plan (July 2009), Section 6 Sustainable Infrastructure.



### **Density Bonus for Affordable Housing**

In addition, the Village Code establishes a density bonus of 10% when a residential development provides affordable housing in accordance with the requirements of Section 62-3 of the Village Code.

At least 10% of the Project's units will be devoted to affordable housing units as per Section 62-3 of Village Code. The affordable units will be marketed to households which meet the criteria of 80% or less of the Westchester County median income as determined by HUD annually. The combined annual rental cost and tenant-paid utilities for the affordable units will not exceed 30% of household income.

Pursuant to the Village's requirements for affordable housing (§62-3(F)), the Project will include a declaration of restrictive covenants, which will identify the affordable housing requirements and provisions. Upon approval, the declaration of restrictive covenants will be recorded against the Site prior to the issuance of a building permit. The declaration will follow the affordable housing rules and regulations.