



August 11, 2016

Mr. Adam Kaufman, AICP, Director of Planning
Town of North Castle
17 Bedford Road
Armonk, NY 10504-1898

Victor Sapienza
Acting Commissioner

Re: Lead Agency Request – The Vue
1700 Old Orchard Street
Town of North Castle, Westchester County
Tax map#: 118.01-1-2
DEP Log #:2016-KE-0040-SQ.1

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

Dear Mr. Kaufman and Members of the Town Board:

465 Columbus Avenue
Valhalla, NY 10595
T: (914) 742-2001
F: (914) 742-2027

The New York City Department of Environmental Protection (DEP) has reviewed the Town of North Castle Town Board's (Board) Lead Agency Notification and long Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

The proposed site is located in the Kensico Reservoir drainage basin of the New York City's Water Supply Watershed. Kensico Reservoir is a terminal reservoir and is located within the 60-day travel time to water supply intakes and as such, has been the subject of various on-going water quality protection initiatives.

The proposed action involves rezoning 22 acres of the 36 acre parcel to a new zoning district R-MF-R (multifamily residential district), and includes the development of 200 residential units in two multilevel buildings and 420 underground parking spaces to be served by municipal water and sewer. Ten acres are to remain as open space via a conservation easement.

DEP's status as an involved agency stems from its review and approval authority for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39(b),(3),(i)&(iii) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). DEP also maintains review and approval of the sewer collection system pursuant to Section 18-37 of the Watershed Regulations.

Based upon the review of the materials received, DEP respectfully submits the following for your consideration:

1. As stated above, DEP maintains a discretionary approval authority for any sewer mains, collection systems or pump stations. As such, Part 1.B.f of the EAF must be revised to include DEP as an approving agency.
2. No information on preliminary soil testing was included with the submission. As such, it has not been verified that the proposed method for stormwater management and treatment is a viable option. Moreover, DEP must witness soil testing in the areas proposed for the stormwater management practices to determine soil suitability and feasibility for meeting regulatory requirements. As such, it is highly recommended that the applicant's representative contact Mariyam Zachariah, of Stormwater Programs at (914) 742-2014 to make arrangements.
3. Part 1.D.1.e of the EAF indicates that the project will be constructed in a single phase over a duration of 18 months. It may not be reasonable for a project of this magnitude to be constructed in a single phase.
4. Part 1.D.2.e.i of the EAF indicates that 3.5 acres of newly created impervious surfaces are proposed for this project. The applicant should clarify the amount of vegetation to be removed from site. Assuming that the existing vegetation is predominantly dense, the conversion of vegetation to impervious surfaces and lawn has the potential to significantly impact surface water resources by increasing the volume, velocity, and pollutant load of stormwater runoff during and after construction. This potential impact is exacerbated by the steep slopes and soil types found on-site, as well as the presence of local wetlands nearby. The information received does not discuss these potential impacts to any reasonable extent, nor is mitigation discussed in any detail.
5. The submission included a letter dated 7/1/16 from Veneziano & Associates which states that "public water and public sewer have recently been made available to this site", yet Part 1.D2.c of the EAF states the district connection to the site is to be determined. Please be advised that forming a new water district that will use NYC water supply as its source requires coordination and approval from DEP. As such, the applicant is encouraged to contact Anthony Vaccaro, Section Chief of Community Water Supply at (914) 773-4456.
6. Part D. 2.b.i pf the EAF indicates that temporary local wetland buffer disturbance will result from the proposed installation of site infrastructure. All local wetlands are Army Corps of Engineers (ACOE) regulated wetlands and as such please be advised that the ACOE will have to be notified if there is any potential disturbance to any wetland or its hydrology. In addition, please note that the Watershed Regulations prohibit new impervious surfaces within 100 feet of a watercourse and NYSDEC regulated wetland. As such, it is imperative that the project sponsor locate and clearly identify all DEP identified watercourses on the site plans prior to the Board issuing a determination of significance.
7. The EAF indicates that no natural material including rock and/or soil will be removed from the site. This seems highly unlikely given the slopes and soil types on site. However, this issue cannot be adequately reviewed without detailed site plans including cut and fill balances. As such, DEP urges the applicant to submit a cut and fill balance along with a discussion of proposed construction phasing to allow a thorough review of potential adverse impacts.

The following comments refer to the submitted drawings:

8. Due to the proximity of the activity to a terminal reservoir basin, and in order to ensure there are no negative impacts to nearby watercourses, an erosion and sediment control plan should be included with the future submission to address interim grading stabilization, stockpiling and site dewatering measures. Additionally, the project sponsor should clearly label the limits of disturbance both on the plans and during construction so as not to encroach on the wetland buffer any more than is necessary.
9. The level spreader at the outlet section of the stormwater management area 2 may not be very efficient particularly in the steep slope areas. It is suggested that the application revise the location or alternative options must be evaluated.
10. It is understood that the submission included preliminary small scale plans. It would be helpful to have full size plans to review in future submissions. In addition, a Landscaping Plan should be included as part of the submission, and the stormwater mitigation features should include only native, non-invasive plants.

Based upon the documents received, the proposed action may have the following impacts:

Impacts on Land

- *Proposed action may involve construction on slopes of 15% or greater:* The EAF indicates that approximately 29% of the site contains slopes between 10% and 15 % while 33% of the site contains slopes of 15% or greater. A site with such steep slopes will likely require a great deal of grading to construct the proposed roads and residences. These steep slopes, combined with the erosion hazard rating of on-site soils, which are listed in the *Soil Survey of Putnam and Westchester Counties* as moderate to severe in upland areas, greatly increases the likelihood of significant adverse water quality impacts from erosion and sedimentation. DEP urges the Board to require from the applicant a detailed set of site plans that depicts the extent of disturbance that will occur on steep slopes and, ensure that site-appropriate erosion control measures are implemented both during and after construction prior to issuing a determination of significance.
- As stated above, the EAF anticipated that construction will last about 18 months. As open works during wet seasons and freeze-thaw cycles are more susceptible to degradation, methods to avoid and/or mitigate the potentially adverse impacts must be addressed. It is noted that an erosion and sediment control plan with a detailed construction schedule were not included in the package.

Impacts to Surface Water

- The Kensico Reservoir is designated as a terminal reservoir pursuant to Section 18-16(a) (1 20) of the Watershed Regulations, and, as such, must meet specific coliform standards in accordance with Section 18-48(b) of the watershed Regulations. In addition, any SWPPPs prepared for projects within the basin of a terminal reservoir

must be prepared in accordance the Section 18-39(c) of the Watershed Regulations. At a minimum, the SWPPP must include the analysis of coliform runoff before and after land disturbance activity and demonstrate that the impacts can be mitigated or avoided. If such proposed activity causes or contributes to the contravention of the coliform standard, DEP will not approve the SWPPP unless the measures required by the plan will prevent the contribution of additional coliform.

- DEP requests that a pollutant loading analysis be conducted as part of the EAF. This analysis would provide a reasonable estimate of potential increases in pollutants due to this expansion and provide a basis for the design of storm water management practices to mitigate the impacts.
- *The proposed action may create turbidity in a waterbody from upland erosion:* Site disturbance on steep slopes constitutes a potential source of turbidity to wetlands and any watercourses located in the area. Methods to avoid and/or mitigate to the extent possible must be provided.
- Excavation for the proposed development may require blasting or rock ripping in areas where bedrock is exposed. As such, the potential for water quality impacts from turbid discharges and pollutant laden runoff must be avoided or mitigated to the extent practicable. Rock crushing area(s) shall be clearly identified on the plans.
- *The project may affect the water quality of any water bodies:* The loss of 6.5 acres of forest at a location in such close proximity to Kensico Reservoir may reduce water quality and habitat functioning. The project sponsor should provide a more detailed analysis on the potential impacts that the proposed action may have to water quality flow, including surface runoff and subsurface, to Kensico Reservoir and the adjacent regulated wetland from this development.

Given the scope and location of the development, the proposed action has the potential to result in significant adverse impacts as defined by 6 NYCRR 617.7(c). As such, DEP respectfully requests that the lead agency issue a positive declaration and direct the applicant to prepare a draft environmental impact statement in accordance with Section 6 NYCRR 617.9. DEP also urges the Board to request that scoping be conducted in accordance with Section 6 NYCRR 617.8.

In this letter, DEP has identified what it considers the potential impacts of this project and submits this letter to you as lead agency as part of a coordinated SEQRA review. SEQRA requires that the lead agency take a hard look at potential impacts of the whole action and identify relevant impacts. In making a SEQRA determination, the lead agency must specifically identify the potential adverse impacts with a reasoned elaboration. This should include: an assessment of the likelihood and significance of each potential impact; what possible measures could eliminate or mitigate potential adverse impacts; and a description of the information relied upon to reach your conclusions.

Thank you for the opportunity to provide comments. DEP is available for further consultation on the matters raised in this letter. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Garcia".

Cynthia Garcia
SEQRA Coordination Section

X: D. Whitehead, NYSDEC
E. Burroughs, WCDP
John Meyers Consulting