



January 19, 2017

Ms. Alison Simon, Town Clerk
Town of North Castle
15 Bedford Road
Armonk, NY 10504

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

*Victor Sapienza
Acting Commissioner*

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
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Dear Ms. Simon and Members of the Town Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of North Castle Town Board's (Board) Draft Scoping Document (Draft Scope) for the preparation of a Draft Environmental Impact Statement (DEIS) for the above referenced action. DEP respectfully submits the following comments for the Board's consideration:

Section II - DESCRIPTION OF PROPOSED ACTION

1. A.1 The site location must describe the proximity of the action to the Kensico Reservoir, a critical component to New York City's Water Supply. This section should include a discussion of topography, site access, roadways, recreational uses and lot boundaries.
2. B.1 DEP suggests that site limitations and constraints also be discussed in this section.

Section III - EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS, POTENTIAL MITIGATION MEASURES

3. A.1 Land Use and Zoning - The DEIS should indicate that new impervious surfaces proposed by the applicant, such as internal roads and parking areas, are the minimum necessary to meet local zoning requirements. Where feasible, it should be clear that the applicant has attempted to reduce new impervious surfaces to levels below zoning requirements. Minimal access road widths, reduced building footprints, multi-level parking structures, banking of parking spaces, and

the use of porous alternatives to asphalt paving are among the alternatives to consider.

4. A.1.b - This section should include potential impacts to the view shed of and significant habitats within Cranberry Lake Preserve, which is adjacent to the proposed development.
5. B.2 Geology and Soils Anticipated Impacts - The DEIS must include an analysis of the limitations of each soil type with respect to stormwater management and erodibility during construction.
6. C.2 Topography and Slopes Anticipated Impacts - This section seems to be limited to impacts on steep slopes during construction. Emphasis should also be added regarding long-term post-development impacts due to changes in surface coverage and topography.
7. D.2 Vegetation and Wildlife Anticipated Impacts – DEP recommends that species found or expected to be found on-site be listed with expected impacts on those populations, and not limit the analysis to only rare or threatened and endangered species.
8. D.3 Vegetation and Wildlife Mitigation Measures - Please include scientific names on the proposed landscaping plan, and review New York State invasive species regulations to assure that no invasive species will be used. In addition, DEP recommends to avoid the use of plant species known to be invasive in other states, particularly those listed as invasive in neighboring states but which may not yet appear on the New York list. Species of plants native to New York should be used to the extent practicable for landscaping, soil stabilization, and stormwater mitigation features.
9. E.1.a Wetlands Existing Conditions - In addition to town and state regulated wetland areas, this section should also include federal wetlands, and possibly unregulated wetlands, if any, to be described and quantified.
10. E.2 Wetlands Anticipated Impact- This section should clarify that no new impervious surfaces will be created within the wetland buffer. The DEIS must identify and assess any altered drainage patterns and the potential adverse impacts that increased or, in some cases, decreased runoff amounts would pose to wetlands and streams.
11. F.1 Stormwater Management - This section should include the existing and proposed pollutant loading. Methodologies in the manual *Reducing the Impacts of Stormwater Runoff from New Development* are suggested for this purpose. In addition, the stormwater analysis should demonstrate that the practices proposed can adequately treat and attenuate the runoff to approximately predevelopment pollutant levels.

Potential Impacts to groundwater due to interception and/or capture during construction, change in land coverage, recharge, and on-site usage of groundwater should also be included in this section.


12. F.3 Mitigation Measures - It is misleading to offer a preliminary Stormwater pollution prevention Plan (SWPPP) as the sole source of mitigation. Regulatory compliance is not a substitute for mitigation because it represents a minimum standard to which a project must adhere. This section should consider such alternatives as enhanced treatment and/or the use of green infrastructure practices.
13. G.1.c. Utilities Mitigation Measures - Scoping for this subsection should be clarified.
14. G.2 Sanitary Sewer - As the sewer collection system is within NYC's Watershed, DEP approval will be required. Also, G.2.c scoping for this subsection should be clarified.

Section IV - ALTERNATIVES

15. The DEIS should include a project alternative of reduced scope and ultimately, reduced environmental impact. Toward that end, the applicant should consider alternative site layouts that maintain current groundwater recharge capacity to the maximum extent practicable through conserved forested areas, limited site disturbance, limited and disconnected impervious surfaces, and stormwater runoff directed to infiltration practices where feasible. The applicant should also consider alternatives that avoid earthwork on slopes in excess of 20%, thus avoiding potential adverse impacts associated with erosion and sedimentation during and after construction.
16. The DEIS must include conceptual drawings and analyses that consider site constraints and inherent limitations of development. The drawings and analyses should be of adequate detail to allow for meaningful comparison of potential environmental impacts between alternatives.
17. Each site design alternative must include an accurate assessment of the requisite environmental mitigation including the extent of stormwater management measures necessary to achieve no increase in peak rates of runoff and no increase in pollutant loading over existing conditions.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 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, Supervisor
SEQRA Coordination Section

X: D. Whitehead, NYSDEC
P. Natarelli, WCPD
B. Von Ohlsen, John Meyers Consulting