

**Open Space Committee
Town of North Castle
17 Bedford Road
Armonk, NY 10504**

February 4, 2017

Town Board
Town of North Castle
15 Bedford Road
Armonk, NY 10504

Re: Comments on Draft Scope for The Vue - Proposed Mult-family Residential Development Project at 1700 Old Orchard Street, Town of North Castle, New York

Dear Supervisor Schiliro and Town Board Members:

I am writing on behalf of the Open Space Committee with the following comments on the Draft Scoping Document. The Jennie Clarkson property is a significant parcel of open space in the Town of North Castle. The development of this property under the current proposal by The Vue will have significant negative impacts on the environment of our Town and the drinking water of millions.

1. **Impact on Kensico Watershed.** The Kensico Reservoir provides drinking water to New York City, and 85% of Westchester County residents. The site for The Vue is particularly unique in that it sits on a peninsula in the middle of Kensico Reservoir. There is no buffer between this property and the reservoir. The impact of development of this property will be direct on the watershed. We refer to the January 25, 2017 letter from the Watershed Inspector General of the Environmental Protection Bureau of the Office of the Attorney General, as we believe that it most accurately explains the threat that The Vue development poses to the Kensico Reservoir. The creation of 3.5 acres of impervious surface and the disturbance of 3 additional acres of forested land will destroy the function that these six acres currently serve of filtering and absorbing pollutants, and seriously increase the amount of pollutants in the reservoir. Therefore, the Scoping Document should require the applicant to perform the following:
 - 1.1. A detailed analysis of the impact of the proposed development on stormwater pollutants, construction related erosion and sedimentation, discharges of turbidity in runoff, increased stormwater flow from additional impervious surfaces, and the creation of runoff containing pollutants from cars, pesticides and fertilizers.
 - 1.2. A detailed analysis of how this proposed development complies or will comply with "The Comprehensive Croton Watershed Water Quality Protection Plan." This Plan went into effect in 2009 and was the result of years of work by Westchester County and ten Westchester Towns, including the Town of North Castle under the guidance of then Town Supervisor Reese Berman, to craft a water quality protection plan for the Croton Watershed.

1.3. An analysis of the alternative of a purchase of the property by the New York City Department of Environmental Protection.

2. **Impact on Wildlife Habitats and Corridors.** The proposed development site sits in a rural area of North Castle and is a neighbor to Westchester County's Cranberry Lake Preserve, a 190-acre park described by the County as "a safe haven for animals and plants, including migratory birds, turtles, and dragonflies." As wildlife doesn't stop at park borders, the Jennie Clarkson property is part of a wildlife corridor that extends along the east side of the Kensico Reservoir. To drop a multi-family development in the middle of this wildlife corridor runs contrary to the advice set forth in North Castle's "Town Comprehensive Plan Update" and in Westchester County's "Patterns for Westchester." Therefore, the Scoping Document should require the applicant to perform the following:

2.1.Site-specific analysis of resident and migratory wildlife, including aquatic, amphibian, reptile, mammal and bird species. The assessment should examine habitat functions through field studies performed at the appropriate seasons for each species (i.e., breeding habitat, transitional, staging areas, feeding and roosting sites and travel lanes).

2.2.Identification of the presence of threatened, rare or endangered species on or near the subject site based upon existing available data (NYSDEC, NYNHP and Cranberry Lake) and recent field inspection.

2.3.Analysis of the potential impacts on habitat and habitat functions caused by site development (e.g., clearing of vegetation, loss of wetlands).

2.4.Analysis of the potential impacts on the presence of threatened, rare or endangered species on or near the subject site.

2.5.Analysis of the potential impacts to species abundance.

2.6.Analysis of mitigation measures including preservation of existing conditions (e.g., forested areas, wetlands), protection of water bodies and wetlands, and preservation and creation of wildlife corridors.

3. **Historic, Archaeological and Cultural Resources.** The Jennie Clarkson property is historically significant. Originally Native American land, it was sold to Colonial settlers. The area then played an important role in the Revolutionary War period. In the 1800's, the property was part of the thriving Hamlet of Kensico and was owned by the Raven family who ran the profitable Lake View Hotel on the property. In 1904, John Raven sold the property to the Jennie Clarkson Home For Children. The property has been a home to countless children for more than a century. Given the history of this property, it is vital that the Scoping Document require the applicant to do the following:

3.1.Describe the historic resources on the subject site. Include information obtained from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the DEP and the North Castle Historical Society.

- 3.2. Prepare a Phase 1A Cultural Resources Study, as well as Phase 1B and Phase 2 Studies, if recommended by the Phase 1A Study. Evaluate the potential for any archaeological resources on the subject site.
 - 3.3. Identify locally-designated historic properties within a 1/4-mile of the subject site's boundaries.
 - 3.4. Describe impacts to any historic, archaeological or locally designated resources identified above.
 - 3.5. Identify potential mitigation measures including preserving historic and archeological resources on the subject site.
4. **Zoning Concerns.** To rezone the Jennie Clarkson property to allow multi-family housing is prohibited spot zoning as it only benefits the developer. Multi-family housing is intended to be near the denser areas of each hamlet, as this provides the residents with walkability to businesses and easy access to public transportation. To drop a multi-family housing development in the middle of what the applicant's attorney rightfully describes as a "bucolic setting", defies logic. Therefore, the Scoping Document should require the applicant to explain in detail how this proposed project complies with the Town's Comprehensive Plan Update and the Town Code.
5. **Protecting the Visual Character of the Jennie Clarkson Property.** The Town's Comprehensive Plan Update notes that the "Town of North Castle is rich in scenic beauty." It goes on to state that "[s]ome of the most important scenic vistas in the Town were identified in the Westchester County Environmental Planning Atlas and include views of the Kensico Reservoir from Route 22...[p]reserving the remaining scenic vistas of North Castle remains an important goal of the Town Conservation Board." All would agree that the sweeping public viewshed at Route 22 and Old Orchard Road is breathtaking. The view of the Reservoir from the Jennie Clarkson Property is even more so. The value of this view is clear to the applicant. The Town Board as Lead Agency has a responsibility to the public to protect this valuable asset of the Town. Therefore, the Scoping Document should require the applicant to define in detail how the proposed project will impact the viewshed and what measures will be taken to protect the viewshed.

Thank you for considering our comments and concerns outlined in this letter. The Open Space Committee is always available to meet and discuss our thoughts with you on this proposed project.

Sincerely,

Kerri A. Kazak

Kerri A. Kazak
Chair

cc: Alison Simon, Town Clerk