



January 25, 2016

**Via E-Mail to [supervisor@northcastleny.com](mailto:supervisor@northcastleny.com)**

Michael Schiliro  
Supervisor  
Town of North Castle  
15 Bedford Road  
Armonk, NY 10504

**Re: Comments on Draft Scope for the Environmental Impact Statement  
Regarding The Vue Residential Development Project  
1700 Old Orchard Street, North Castle, NY**

Dear Supervisor Schiliro:

Riverkeeper, Inc. (“Riverkeeper”), respectfully submits the following comments on the Draft Scope of review for The Vue residential draft environmental impact statement (“DEIS”) dated November 9, 2016. The Draft Scope pertains to the development of two multi-family residential buildings containing a total of 200 units (the “Project”). The Project would result in the new disturbance of 6.7 acres and construction of 3.5 acres of new impervious surface on a 36.72-acre site with wetlands and steep slope constraints, all within the Kensico Reservoir drainage basin.

Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents. As a signatory to the New York City Watershed Memorandum of Agreement, we have a commitment to ensure that development projects in the watershed do not adversely impact the surface water resources that provide unfiltered drinking water to consumers. Accordingly, Riverkeeper is concerned with any project in the New York City watershed that proposes potentially significant pollutant discharges or disturbance of streams, wetlands, or their buffers.

As discussed below, without modifications to the Draft Scope of review the Planning Board will not be able to adequately evaluate the Project and its potential adverse environmental impacts, preventing the Board from being able to meet the State Environmental Quality Review Act requirement to take a “hard look” at the “relevant areas of environmental concern.”<sup>1</sup> In order to remedy these deficiencies, the Draft Scope should be revised accordingly.

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<sup>1</sup> *Jackson v. New York State Urban Dev. Corp.*, 6 N.Y.2s 400, 417 (1986) (citations omitted).

## **I. Importance of Kensico Reservoir**

The Kensico Reservoir provides unfiltered drinking water to 8.5 billion New York City consumers, transferring 40% of the total water supply daily. When necessary, the Kensico can be relied on by the City to provide up to 100% of the water supply. The Kensico is arguably the most sensitive reservoir in the entire water supply system, as it is a terminal reservoir before the water enters two aqueducts and flows into the much smaller Hillview Reservoir in Yonkers for storage and distribution throughout New York City.

The Proposed Project's placement within the Kensico Reservoir basin is concerning, given that the contaminants transported from the Proposed Project site to the Kensico could contaminate such a crucial part of the City's drinking water supply. A significant increase in pollutants in the Kensico Reservoir could result in water quality violations under the Safe Drinking Water Act and require New York City to install a filtration plant estimated to cost more than \$10 billion.

## **II. The Draft Scope must address potential significant impacts to streams and stream buffers and identify mitigation measures designed to avoid or minimize those impacts to the maximum extent practicable.**

As currently written, the Draft Scope does not adequately address potential significant impacts to stream buffers or propose mitigation measures to avoid or minimize those impacts. Instead of capturing streams and wetlands under a common section heading as is normal practice, the applicant proposes in the Draft Scope to address wetland and wetland buffer impacts under section "E. Wetlands" and streams separately under section "F. Stormwater."<sup>2</sup> It is unclear why this separation exists. The Town of North Castle Wetlands and Watercourse Protection Law section 340-3B(2) groups the two categories of water bodies under the same moniker: "[w]atercourses and water bodies shall be encompassed under the term 'wetland' as used in this chapter."

The Draft Scope should require the DEIS to describe impacts to wetlands and buffers as well as regulated activities within both. This section also requires a description of mitigation measures for impacts to wetlands but not for impacts to wetland buffers. The section should be revised to address impacts to wetland buffers as well as watercourses and their buffers.

Although Draft Scope Section "F. Stormwater" requires identification of "surface water bodies, intermittent and perennial streams," and identification of "direct and indirect disturbance to surface waters, water courses and 100-year floodplain,"<sup>3</sup> there is no requirement to identify buffers associated with those resources or to identify anticipated impacts to them. The Draft Scope requires only that mitigation measures be proposed in a preliminary Stormwater Pollution Prevention Plan (SWPPP).<sup>4</sup>

Section 340-4C of the North Castle Wetlands and Watercourse Protection Law regulates activities in wetlands and wetland buffers (which includes stream buffers under section 340-3B(2)), associated with construction on residential parcels, which are subject to an administrative permit.

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<sup>2</sup> Draft Scope at 11 (pages unnumbered).

<sup>3</sup> *Id.* at 12.

<sup>4</sup> *Id.*

For this reason, the Draft Scope should require the DEIS to describe mitigation measures for any temporary or permanent disturbance to regulated wetland and stream buffers on the project site.

Additionally, the New York City Department of Environmental Protection (DEP) also regulates activities in stream buffers within the New York City Watershed.<sup>5</sup> Because The Vue project site lies within the Kensico Reservoir Basin of the NYC Watershed, the Draft Scope must require the DEIS to demonstrate compliance with the NYC Watershed Rules & Regulations applicable to regulated activities within any watershed stream buffers identified on the project site.

### **III. Conclusion**

We urge the Town Board to explicitly address in the final scope the Project's potential significant impacts to watercourses, water bodies, and their buffers, as well as potential mitigation to avoid or minimize those impacts. Thank you for your consideration of these comments. We look forward to continuing to support sustainable economic development in the Town of North Castle consistent with Riverkeeper's water resource protection goals.

Respectfully submitted,



William Wegner  
Staff Scientist

cc: Alison Simon, North Castle Town Clerk, asimon@northcastleny.com

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<sup>5</sup> E.g., N.Y. City Watershed Rules and Regulations §§ 18-16(128), 18-39 (2010).