

***State Environmental Quality Review Act (SEQRA)  
Findings Statement***

***Taconic Tract Development  
Subdivision***

Town of Mount Pleasant, Westchester County, New York

**SEQRA Lead Agency:**

Town of Mount Pleasant Planning Board  
One Town Hall Plaza  
Valhalla, New York

**Date:**

March 1, 2012

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## 1.0 PROJECT DESCRIPTION

Taconic Tract Development, LLC (hereinafter referred to as the "Applicant"), proposes to subdivide a 30.00± acre tract of land located between the Taconic State Parkway (east), Washburn Road (south), Todd Lane (west) and Carleton Avenue (north), more specifically known and designated as Section 98.11, Block 2, Lots 37, 38, 39, 42 and part of 40 (hereinafter referred to as the "Site"). The property to be subdivided consists of three existing parcels:

- A. a 21.45-acre piece of property containing private trails, fronting on and with an existing driveway access from Washburn Road.
- B. A 0.97-acre single family lot fronting on and with access from Washburn Road.
- C. The 7.58-acre former Waterhouse Estate parcel (referred to as Lot 17 on the Subdivision Plan), now owned by the spouse of a principal of the Applicant and occupied by them.

The parcels described in A. and B. are existing vacant parcels. The parcel described in C. is an improved estate parcel and is included in this application solely because a small portion of an access road to and from Carleton Avenue traverses it's corner.

The site is located in the Town of Mount Pleasant, Westchester County, in the R-40 One-Family Residence zoning district. The Applicant proposes to subdivide the three parcels into a total of 16 building lots (two of which already exist), for a total of 14 new building lots, with the ultimate goal of constructing 16 single-family residential dwellings, access roads, driveways, landscaping and stormwater management facilities.

The DEIS included a detailed analysis of five alternatives in addition to the analysis of the Proposed Project. The alternatives included:

- A. No Action
- B. Conventional Subdivision Layout
- C. Conventional Subdivision Layout with All Homes Clustered
- D. Alternative Site Access (No Through Road)
- E. Reduced Density Subdivision that Avoids Steep Slopes, Ridgelines and Other Site Constraints

During the course of the review of the EIS the Lead Agency requested that the Applicant explore another alternative involving the elimination of the Road B cul-de-sac

that extended into the steeply sloping portion of the eastern side of the Site, and the elimination or relocation of the two lots located to the north of this area. This alternative is known as:

#### F. Alternative Conservation Plan

The Alternative Conservation Plan presented in the FEIS, which also proposes the creation of 16 new building lots, mitigates most of the concerns expressed by the Planning Board, however, the reconfiguration of lots in this plan created an objectionable condition regarding proposed Lot 6. In response to this concern, the Applicant revised the Alternative Conservation Plan and relocated Lot 6 to the north, adjacent to Lots 11 & 12. This configuration eliminated the objectionable conditions associated with lot 6 in Alternative Conservation Plan. This revised plan is known as:

#### G. Revised Alternative Conservation Plan

***The Planning Board finds that alternative G. – Revised Alternative Conservation Plan, which provides for 16 new single—family residential lots, as well as a 10.14 acre open space parcel, from among the reasonable alternatives available, is one that minimizes adverse environmental impacts to the maximum extent practicable. Therefore, the Board rejects the Conservation Subdivision Plan that was preferred action in the DEIS and FEIS and adopts the Revised Alternative Conservation Plan as the “Proposed Action” upon which these findings are specifically based (hereinafter the Revised Alternative Conservation Plan is referred to as “The Project” or “The Proposed Action”).***

## **2.0 SEQRA REVIEW PROCEDURE**

On May 15, 2006, the Applicant made an initial presentation of the proposed subdivision sketch plan to the Planning Board. The Planning Board considered the initial sketch plan. After receiving comments from the Planning Board, the Applicant modified the sketch plan to reduce the proposed lot count to 16 lots. The Planning Board again considered the application at its meetings on June 1, 2006 and January 17, 2007. On October 26, 2007, the Applicant submitted an Environmental Assessment Form Part 3 Analysis accompanied by technical studies related to the project's potential impact on such environmental conditions as traffic, stormwater management, site topography, water demand and service, sanitary sewer demand and service, tree removal, community services (schools, police, fire and emergency services) and construction-related air quality and noise. In December 2007, the Applicant

submitted additional materials to the Planning Board. At the Planning Board meeting of January 23, 2008, the Board continued its discussion of the Applicant's submission and the project and also determined that a site visit was warranted. On January 26, 2008, members of the Planning Board visited the Project Site with the Applicant. On July 10, 2008, the Applicant's counsel, Hocherman Tortorella & Wekstein, LLP, submitted a memorandum to the Planning Board summarizing the various impact analyses that had been performed and submitted by the Applicant since 2006 when the application was first filed.

On September 4, 2008, the Planning Board declared its intent to act as Lead Agency of the project (the "Notice of Intent") under the State Environmental Review Act ("SEQRA") and to conduct a coordinated environmental review of the project, and adopted a Positive Declaration requiring the preparation of an environmental impact statement. The Planning Board's Notice of Intent was circulated to all Involved Agencies on November 7, 2008.

On December 3, 2008, the Applicant's counsel submitted to the Planning Board a written request that the studies previously prepared by the Applicant be referred to the Town's technical staff for their review and comment and that the Board reserve making a determination of significance until doing so. The Planning Board rejected this request, and on March 16, 2009 the Planning Board re-adopted a Positive Declaration for the proposed subdivision requiring the preparation of an environmental impact statement.

On April 20, 2009 and May 7, 2009, the Planning Board held a duly notice scoping session and accepted written comments on the Scoping Outline until May 22, 2009. On June 15, 2009, the Planning Board officially adopted a Scoping Outline for the Draft Environmental Impact Statement ("DEIS").

In response to potential concerns over whether the Positive Declaration was properly circulated and published in the Environmental Notice Bulletin ("ENB"), the Planning Board adopted a resolution reconfirming its Positive Declaration on October 1, 2009 and resolved to accept additional comments on the Scoping Outline until October 16, 2009. On October 14, 2009, the notice of re-adoption of the Positive Declaration and the extended comment period for comments on the Scoping Outline were published in the ENB. No additional comments on the Scoping Outline were received and, the Scoping Outline initially adopted on June 15, 2009 was not changed.

On October 5, 2009, the Applicant submitted a preliminary DEIS to the Town Planning Consultant for review of its adequacy in scope and content. After receiving comments on the preliminary DEIS from the Town Planning Consultant, the Applicant submitted a revised preliminary DEIS on February 12, 2010, and on March 12, 2010, which were further reviewed for completeness. On April 8, 2010, the Planning Board accepted the DEIS as complete for purposes of circulation and public comment and scheduled a public hearing for May 17, 2010. On April 9, 2010, the DEIS was circulated to all Involved and Interested Agencies with notice of the public hearing date, and on April 21, 2010, notice of acceptance of the DEIS and the public hearing date were published in the ENB. On May 17, 2010, after due notice having been given, a public hearing on the DEIS was opened but immediately continued without any testimony having been taken or comment received. On June 21, 2010, the public hearing having been re-noticed, the Planning Board continued the DEIS public hearing, which was further continued on August 5, 2010, at which time, all comments having been heard, the public hearing was closed and the Planning Board resolved to accept written public comment on the DEIS until October 4, 2010.

On April 12, 2011, a preliminary Final Environmental Impact Statement ("FEIS") was submitted to the Town Planning Consultant for completeness review, and after receiving comments on the preliminary FEIS, the Applicant revised the FEIS and resubmitted it to the Planning Board for further completeness review on or about June 8, 2011.

In response to comments the Applicant received from the Town's Planning Consultant, to the effect that members of the Planning Board had expressed concern about the configuration of the Conservation Subdivision Plan, the Applicant prepared the Alternative Conservation Plan (Alternative F) on which it eliminated the cul-de-sac for Road B, and relocated and shifted certain lots in order to decrease the amount of slopes disturbance associated with the Conservation Plan, increase the buffer to the eastern property line and increase the amount of contiguous open space. Such Alternative Conservation Plan was included in a further revised FEIS that was submitted to the Planning Board for Completeness Review on July 21, 2011.

On August 4, 2011, the Planning Board accepted the FEIS as complete and scheduled a public hearing thereon for September 12, 2011. The FEIS was circulated to all Involved and Interested agencies and publication of notice of its acceptance by the Planning Board was published in the ENB on August 17, 2011. On September 12, 2011, after due notice was given, a public hearing on the FEIS was conducted and closed.

In response to additional comments the Applicant received from the Town's Planning Consultant, to the effect that some members of the Planning Board had expressed concerns about the location of the relocated Lot 6 on the Alternative Conservation Plan, the Applicant prepared the Revised Alternative Conservation Plan (Alternative G) that shifted Lot 6 to abut Lots 11 and 12 on the Alternative Conservation Plan and discussed such Revised Alternative Conservation Plan with the Planning Board at its meeting on February 2, 2012. The Planning Board reached a majority consensus that the Revised Alternative Conservation Plan would be acceptable to the Board and that it minimizes adverse environmental impacts to the extent practicable, and that these findings are specifically based on this plan.

### **3.0 REQUIRED PERMITS & APPROVALS**

1. Town Planning Board
  - a. SEQRA Findings
  - b. Subdivision Approval
  - c. Steep Slope Permit Approval
2. Town of Mount Pleasant Conservation Advisory Council
  - a. Recommendation
3. Town Departments
  - a. Building Permit
  - b. Engineering Approval
  - c. Water Department
4. Village of Briarcliff Manor
  - a. Extension of Water Service
5. Westchester County Planning Board
  - a. 239 m Referral
6. Westchester County Department of Health
  - a. Water & Sewer Connections
7. New York State Department of Environmental Conservation
  - a. SPDES General Permit For Stormwater
  - b. Off-Site Freshwater Wetlands Permit for Sewer Main Construction

#### **4.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The DEIS and FEIS include an environmental evaluation of the following resource issues:

- Land Use & Zoning
- Visual Resources
- Soils, Topography & Steep Slopes
- Flora and Fauna
- Surface Water Resources and Stormwater Management
- Utilities
- Traffic & Transportation
- Socio-Economic/Fiscal
- Community Facilities and Services
- Historic and Cultural Resources
- Air Quality/Noise
- Construction

While the Planning Board makes its findings herein in favor of the 16-lot Revised Alternative Conservation Plan, the DEIS and FEIS evaluated the impacts of a 16-lot Conventional Subdivision of the Property and how those impacts would change under various alternatives listed above. The Board finds that the revised Conventional Subdivision Plan included and evaluated in the FEIS (the "FEIS Conventional Plan") is a plan that complies with all applicable R-40 zoning district bulk and area regulations, and could be approved under the Town's Steep Slopes Law, Chapter 180 and other applicable codes.

Some of the disturbance figures discussed below relate to the FEIS Conventional Plan and, therefore, represent the worst-case scenario for the development of the property. In most respects, the Revised Alternative Conservation Plan involves fewer/lesser impacts than the FEIS Conventional Plan. Where such impacts are not fewer or lesser in connection with the Revised Alternative Conservation Plan, they are comparable. Therefore, the Planning Board finds that 16 lots is an approvable density for the property.

#### **4.1 LAND USE & ZONING:**

The 30.0 ± acre Site currently supports a single-family estate home and associated accessory structures, landscaped grounds and paved cart paths. The land uses surrounding the Site consist primarily of medium-density single-family residences on lots of approximately ½ acre in size. Other land uses

located further away from the Site, but within the ½ mile study area analyzed in the DEIS include the Todd Elementary School to the south as well as a series of commercial uses along Pleasantville Road and Saw Mill River Road as well as multi-family and attached townhouses located to the west along North State Road and Colby Lane.

Long range comprehensive planning documents and studies affecting the Site, including the Town of Mount Pleasant Development Plan (1970), Westchester County "Patterns" (1995), Briarcliff Manor Comprehensive Plan (2007), Westchester 2025 (2006), RPA's Third Regional Plan (1996) all acknowledge the potential suitability of residential development that is consistent with the character of the surrounding area and adequately serviced by municipal utility infrastructure. Preserving open space through clustering development is also recommended.

The subject Site is located within the R-40 - One Family Residential zoning district. One family residential dwellings are permitted in this zoning district.

The 16 lot Revised Alternative Cluster Plan is a cluster subdivision, advanced under the authority of §A277-9 and §A277-26 C of the Mount Pleasant Town Code and Section §278 of New York State Town Law. The 16 lot Revised Alternative Cluster Plan is based upon a conventional subdivision plan that complies with all applicable R-40 zoning district bulk and area regulations and the Town's Steep Slopes Protection Law.

The Project has utilized the design flexibility afforded under the cluster subdivision provisions to preserve the natural and scenic qualities of the existing open lands of this Site.

**FINDING:** The Planning Board finds that the Proposed Action is consistent with the Town of Mount Pleasant Master Plan, applicable regional planning documents, is consistent with the existing single family residential land uses that surround the Site, is consistent with the R-40 One Family Residence zoning district provisions, and as modified via the provisions of §A227-9 and §A227-26 C of the Mount Pleasant Town Code and Section §278 of New York State Town Law, fosters the development of a cluster subdivision that preserves the natural and scenic qualities of the existing open lands of this Site.

#### **4.2 VISUAL RESOURCES:**

The Site is generally heavily wooded, with a paved trail system that runs throughout the Site's  $\pm$  30 acres. The Site ranges in elevation from approximately 250' to 380'. This change in elevation and dense vegetation limits views of the Project Site from lower elevations to the southeast. Photosimulations and elevation models reveal that the existing homes abutting the Site to the north will have at least partial views of some of the residences clustered on the northeast half of the Site.

Views of the Project would consist of residential structures, of an architectural style consistent with the surrounding area, yards and associated site improvements. Existing screening, consisting of mature vegetation, fencing and stone walls would remain in place between the proposed Project and the existing residences in the neighborhood. The proposed cluster subdivision design enhances buffer zones and preserves 10.14 acres of wooded open space disturbed only for the installation of necessary stormwater management facilities. These vegetated and undeveloped areas will continue to buffer views of the Site from Washburn Road, the Taconic Parkway and Fox Run Road. The new entry roads will be landscaped to create a visually appropriate entry into the Site.

**FINDING:** The Planning Board finds that the development of the Project will alter the existing visual characteristics of the Site. However, the Revised Alternative Conservation Plan clusters development so that 10.14 acres of wooded area will remain permanent wooded open space. The preserved wooded buffers will significantly mitigate adverse visual impacts. Limited views of the new development will occur, however, these views will be of new residences that are characteristic of the surrounding neighborhoods. No significant viewsheds will be altered, nor will the new residences extend up above the adjacent ridgeline. No significant adverse impacts to visual resources will occur as a result of the development of the Site.

### **4.3 SOILS, TOPOGRAPHY & STEEP SLOPES:**

#### **Geology:**

The Site is underlain with Fordham Gneiss from the Precambrian – Middle Proterozoic age (approximately 1.1 billion years ago). This gneiss is generally formed from metamorphosed sediments, which form a rock with black and white bands composed of quartz and feldspar that alternate with bands of biotite and hornblende. A geologic investigation conducted at the Site revealed that the Site has numerous metamorphic rock outcroppings that exhibited the general characteristics of granite gneiss with some mica-schist. Depth to rock as determined by deep test pits varied from 18” below grade to greater than 48” below grade.

The development of the Site to support the Project may require the removal of rock. Based on initial field investigations using test pits and soil probes within areas where grading is proposed, it has been determined that the areas most likely to encounter the need for rock removal would be in the northwestern portion of the Site.

Where it has been determined that methods other than blasting such as cutting, ripping, or chipping of rock are infeasible, blasting shall be used for rock removal. A blasting protocol that incorporates the Town of Mount Pleasant Blasting Ordinance and State regulations will be submitted to the Town prior to the start of construction. The potential effects upon nearby building foundations and local aquifers will be minimized by employing proper blasting techniques. These techniques minimize the amount of vibration from the blast that can impact structures and local aquifers, and control the amount of flyrock resulting from the blast. In general the blasting protocols shall include the following:

- Blasting will be conducted in compliance with New York State requirements (Title 12 of the New York Code of Rules and Regulations [12 NYCRR Part 39]) for the possession, handling, storage, and transportation of explosives.
- All blasting will be conducted by a licensed blasting contractor. The contractor shall obtain the necessary permits from the town of Mt. Pleasant.

- A preblast survey shall be conducted for any structures within 500 feet of the blasting area. The surveys shall include photographic, video and written documentation of existing conditions.
- A preblast meeting shall be held with the Town Building Inspector and Town Engineer to review the proposed blasting plan and schedule. The blasting plan shall include the layout, size of blasts, timing of charges, and quantity of material to be removed.
- Seismographs with decibel meters shall be placed at the property line between the blast site and adjoining residences to monitor the blasting operations.
- Blasting operations shall be limited to between the hours of 8:00 am and 4:00 pm, Monday through Friday.
- Notification of blasting will be made to the Town Building Inspector and Police Department, as well as all residences within 500 feet of the blast site twice prior to blasting. The initial notification shall be made not less than 3 days nor more than 30 days prior to the start of blasting operations and shall include an approximate schedule (day and time) of the blasting. A second notice shall be made not less than 24 hours nor more than 3 days prior to the blast that provides the exact time of the blast.
- The blast zone shall be clearly marked and adequate precautions taken to prevent unauthorized entry into the blast area.
- Immediately prior to and after blasting a warning horn shall be sounded. The horn shall be sounded at prescribed intervals and times prior to the blast and after the blast as an all clear notification.
- The blast site shall be covered with 12 ft. by 15 ft. rubber and/or steel mats to prevent the ejection of material. The quantity of blasting material used shall be in accordance with the Town Code.

**Soils:**

Soils on the Site are predominantly comprised of *Chatfield-Charlton complex, hilly, very rocky (CsD)*, *Charlton-Chatfield complex, rolling (CrC)*, *Paxton fine sandy loam (PnD)* and *Paxton loam (PnC)*.

Most of the proposed construction will occur in areas of Chatfield-Charlton (CsD) or Charlton-Chatfield (CrC) complex soils. Only the lower elevations on the Site

are located within the third soil group, Paxton Loam (Pnd). The CsD and CrC complexes are rated as somewhat or very limited for road construction and dwellings due to slopes and the depth to bedrock in the Chatfield components of those soils, meaning mitigation measures are generally required. Slope impacts shall be mitigated by constructing dwellings on the more level portions of the lots and building the homes into the slopes. Furthermore, constructing on the sloping portion of the Site can create erosion hazards during construction. This shall be overcome by implementing stringent erosion control measures and reestablishing plant cover as soon as possible after an area is disturbed. Road profiles have been designed to follow the existing paved paths and natural contours of the land as much as possible, while still meeting the Town's standards for roadways.

Approximately 7.93 acres, or 26.4% of the site, will be regraded and temporarily exposed during construction of the Project, although construction will be phased, and only limited portions of the Site will be under construction at any one time in accordance with NYSDEC regulations. The regrading will occur mainly along the roadways and in the vicinity of the proposed houses, their driveways, and in areas where utilities will be installed.

Proper erosion and sedimentation control measures shall be installed to prevent adverse impacts such as downstream siltation, clogged inlets, fish and wildlife habitat destruction, and water quality degradation. These measures also help to avoid the possibility that common organic contaminants (e.g., petroleum products and pesticides) might adhere to sediment to potentially be transported throughout the length of the water body.

Permanent stabilization of disturbed areas shall occur within 15 days of establishing final grade. Permanent stabilization of disturbed areas will be achieved by using a mixture of grasses, groundcovers, shrubs and trees as appropriate. In areas where final grade will not be achieved within 60 days, temporary soil stabilization (i.e., temporary turf establishment and/or mulching) will occur within two days of disturbance. Soil will be stockpiled in level areas of the site to minimize erosion. Soil will not be stockpiled in areas with greater than 10% slopes.

A preliminary Stormwater Management Prevention Plan (SWMP), submitted in support of this project provides additional documentation regarding the required erosion and sedimentation control measures. The final Stormwater Pollution Prevention Plan ("SWPPP") will be prepared in compliance with the following documents:

- New York State Stormwater Management Design Manual (NYSDEC, August 2010)
- Standard Specifications for Erosion and Sediment Control (NYSDEC, 2004)
- Standards recited in Stormwater Ordinance Chapter 183-MS4 Regs and GP- 0-10-0001

Erosion and sediment control measures for the Project shall include a construction sequence narrative for the full scope of site work. Provisions for the installation of a silt fence, anti-tracking apron, naturalized riprap, and temporary diversions will be incorporated. Erosion and sediment control will be an integral part of construction management.

The objective of the erosion and sediment control plan is as follows:

- Control erosion at its source with temporary control structures;
  - Minimize the amount of sediment-laden runoff from areas of disturbance, and control the runoff prior to discharge off-site; and
  - Deconcentrate and distribute stormwater runoff through natural vegetation or structural means before discharge to streams or wetlands.
- The contractor will be required to install all sediment and erosion control measures and maintain them throughout the entire construction process. These measures will be monitored during construction as required by the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-08-0001).

**Topography and Steep Slopes:**

The on-site topography is hilly to gently sloping with elevations ranging from approximately 250 feet to 380 feet. The highpoint is located in the northwest portion of the site at approximately elevation 380. There is also a secondary high point located in the central portion of the site at elevation 362. From Highpoint #1, the land slopes moderately to the south-southeast towards adjacent properties and ultimately, Washburn Road. In the southern and eastern portion

of the property, the land slopes toward the property line. The elevation along the eastern portion of the site varies from elevation 330 to elevation 250. The low point is located at the most southeastern corner of the site. The southern portion of the site slopes toward Washburn Road. The elevation along the south property line varies from elevation 260 to the low point along the southern property line. Rock outcrops were present predominantly in the area of Highpoint #2 and in the adjacent slopes. A slope analysis of the site using the categories established in the Town's Steep Slope Ordinance has identified that of the ±30.0 acres that comprise the site, approximately 13.3 acres (44.4%) contain slopes of less than 0 to 15%, 9.0 acres (30.0%) that contain slopes 15% to 25%, 4.8 acres (15.9%) that contain slopes from 25% to 35% and 2.9 acres (9.7%) contain slopes greater than 35.

The Proposed Action will result in the disturbance of 7.93 acres or 26.4 percent of the Site.

Disturbances to areas of steep, very steep and excessively steep slopes shall be mitigated by complying with the following review standards as set forth in the Steep Slope Ordinance:

- 1.) *There is no reasonable alternative for the proposed regulated activity on that portion of the site not containing steep slopes.*

The Planning Board, having considered all of the viable alternatives, has determined that the Proposed Action (known as the Revised Alternative Conservation Plan) minimizes adverse environmental impacts to the maximum extent practicable.

- 2.) *The planning, design and development of buildings and site improvements limits the rate of stormwater runoff to a zero increase with overflow to a municipal drain system where practicable and provides the maximum in structural safety, slope stability, and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain and aesthetic character.*

The Project has been designed in a manner to follow or blend with the natural contours of the land. The SWMP has been designed to provide a

zero increase in peak runoff to adjacent areas and the municipal system. It also incorporates permanent and temporary erosion and sediment control measures to provide maximum structural safety and slope stability. In order to minimize slope disturbance retaining walls have been proposed. These retaining walls were designed in accordance with Town requirements to reduce the amount of grading needed to meet the existing elevations.

- 3.) *The terracing of building sites is kept to a minimum.*

The proposed building envelopes of the proposed lots were arranged to utilize the flatter areas of the Site for the main building footprint, the area in which most disturbance will occur, wherever possible, while still providing for the desired square footage. Building floor levels have been selected so as to minimize the need for excessive terracing

- 4.) *Roads and driveways follow the natural topography to the greatest extent possible in order to minimize the potential for erosion, and they are consistent with other applicable regulations of the Town of Mount Pleasant and current engineering practices.*

The alignments of the proposed roads and driveways were configured so that the impact to the steeper slopes would be minimal. Slopes at intersections, driveways and along roads have been designed to be in compliance with the Town of Mount Pleasant regulations. Due to vertical alignment restrictions on slopes at intersections and cul-de-sacs, road construction will require a maximum net cut of 5,150± cubic yards. The maximum depth of cut in selected locations on each road is 3.2 feet for Road A, 7.2 feet for Road B, and 8.3 feet for Road C.

- 5.) *Habitat is quantified and protected, no endangered species of flora or fauna are adversely impacted and any replanting is to be maintained by the applicant for two years and is to consist of indigenous vegetation that at a minimum replicates the original vegetation on the site, in kind.*

There are no species of flora or fauna that are adversely impacted on-site. New plantings will be detailed on the landscape plans as part of the Site Plan approval and shall conform to the Town's ordinances.

- 6.) *The natural elevations and vegetative cover of ridgelines are disturbed only if the crest of a ridge and the tree line at the ridge remain uninterrupted. This will be accomplished either by positioning buildings and areas of disturbance below a ridgeline or by positioning buildings and areas of disturbance at a ridgeline so that the elevation of the roofline of the building is no greater than the elevation of the natural tree line, so long as no more than 100 feet along the ridgeline, to a width of 100 feet generally centered on the ridgeline, is disturbed.*

The Project Site is situated south of the major ridgeline, whose high point is located at elevation 440± approximately 165 feet north of Stonington Drive. From this ridgeline the topography falls off to the north towards Route 9A/100 and south towards the Taconic State Parkway. The highest elevation on the project site, 380, is 60 feet below this ridgeline. No buildings will extend above the ridgeline.

- 7.) *Any regrading blends in with the natural contours and undulations of the land.*

The proposed grading plan, has been designed to blend into the natural contours of the site.

- 8.) *Cuts and fills are rounded off to eliminate sharp angles at the top, bottom, and sides of regraded slopes.*

Rounding has been provided at the top, bottom, and sides for regraded slopes.

- 9.) *The angle of cut and fill slopes does not exceed a slope of one vertical to two horizontal, except where retaining walls, structural stabilization, or other methods acceptable to the Town Engineer are used.*

The maximum proposed slope for all grading required to accommodate the Project is one vertical to two horizontal, except where retaining walls have been proposed.

- 10.) *Tops and bottoms of cut and fill slopes are set back from the structures*

*an adequate distance to ensure the safety of the structures in the event of the collapse of the cut or fill slopes. Generally, this distance is six feet plus 1 / 2 the height of the cut or fill.*

The cut and fill slopes have been designed to comply with this standard, but in any event will be constructed in accordance with the recommendations of a geotechnical engineer and subject to the approval of the Town Engineer.

- 11.) *Disturbance of rock outcrops is by means of explosives only if labor and machines are not effective and only if rock blasting is conducted in accordance with all applicable regulations of the Town of Mount Pleasant and the State of New York. The rock is to be effectively stabilized.*

Blasting will be avoided wherever practicable and will generally be limited to those areas requiring rock removal of greater than four feet in depth. Excavation equipment or mechanical means of rock removal will be employed to remove rock, where practical. If found to be necessary, all blasting will be conducted in accordance with Town and State regulations.

- 12.) *Disturbance of slopes is undertaken in workable units in which the disturbance can be completed and stabilized in one construction season so that areas are not left bare and exposed during the period from December 15 through April 15.*

All on-site disturbance will be performed and maintained in accordance with NYSDEC regulations and limited to a maximum of 5-acres of disturbance at any one time. The work shall be conducted in accordance with the scheduling and sequencing proposed in the SWMP and as approved by the Town Engineer. No areas, that are not under construction, will be left bare between Decembers 15 and April 15.

- 13.) *Disturbance of existing vegetative ground cover does not take place more than 15 days prior to grading and construction.*

Disturbance of vegetative cover is addressed in the preliminary SWMP and will be done in accordance with NYSDEC regulations. The final SWPPP, and will comply with this provision.

- 14.) *Temporary soil stabilization, including, if appropriate, temporary stabilization measures such as netting or mulching to secure soil during the grow-in period, is applied to an area of disturbance within two days of establishing the final grade, and permanent stabilization is applied within 15 days of establishing the final grade.*

Temporary soil stabilization measures are specified in the erosion and sediment control plan and will comply with this provision.

- 15.) *Soil stabilization is applied within two days of disturbance if the final grade is not expected to be established within 60 days.*

Soil stabilization measures are specified in the erosion and sediment control plan and will comply with this provision.

- 16.) *Measures for the control of erosion and sedimentation are undertaken consistent with the Westchester County Soil and Water Conservation District's "Best Management Practices Manual for Erosion and Sediment Control," and the New York State Department of Environmental Conservation's "Guidelines for Urban Erosion and Sediment Control," as amended, or its equivalent satisfactory to the Planning Board.*

The erosion and sediment control plan developed for the Proposed Action was based on, and is wholly consistent with these documents, is in conformance with all applicable local, County and state regulations, and the requirements of the Town Engineer.

- 17.) *All proposed disturbance of slopes is undertaken with consideration of the soils limitations characteristics contained in the latest Identification Legend, Westchester County Soils Survey, as prepared by the Westchester County Soil and Water Conservation District, in terms of recognition of limitation of soils on slopes for development and application of all mitigating measures, and as deemed necessary by the*

*Town Engineer.*

All excavation and fill will be conducted in accordance with the recommendations of a geotechnical engineer and as approved by the Town Engineer.

- 18.) *Topsoil is removed from all areas of disturbance, stockpiled and stabilized in a manner to minimize erosion and sedimentation, and replaced elsewhere on the site at the time of final grading.*

All disturbed topsoil shall be stockpiled and stabilized in accordance with the erosion and sediment control plan, and shall be replaced elsewhere on the Site at the time of final grading.

- 19.) *Topsoil stockpiling is not permitted on slopes of greater than 10%.*

No topsoil stockpiling will be located on slopes that are greater than 10%.

- 20.) *Compaction of fill materials in fill areas is such to ensure support of proposed structures and stabilization for intended uses.*

Fill material will be compacted in accordance with in accordance with the recommendations of a geotechnical engineer, and under the supervision of the Town Engineer.

- 21.) *Structures are designed to fit into the hillside rather than altering the hillside to fit the structure, employing methods such as reduced footprint design, step-down structures, stilt houses, and minimization of grading outside the building footprint.*

The grading plan for the Project has been designed so that the first floor elevations of all of the proposed dwellings fit into the hillside. Final building designs will be designed for the specific lot on which they are located to address the individual topography of the particular lot. Building techniques such as split/stepped levels, garage under, and walk-out basements will be utilized to minimize grading outside of the house footprint.

- 22.) *Development is sited on that portion of the site least likely to impact the natural landforms, geological features, and vegetation.*

The Proposed Action has been design to concentrate new development in areas that have already been disturbed to support some form of site improvement, such as lawn areas, paved travel ways, and maintained landscape areas. This approach not only minimizes site development costs, but also avoids the Site's most environmentally constrained lands located along Washburn Road and the Taconic State Parkway. These areas are designated as permanently preserved open space in the Proposed Action.

- 23.) *The applicant has provided landscaping plans for after-development.*

Landscaping Plans will be developed as a required element of the subdivision approval process.

- 24.) *The development conforms with the requirements set forth in Chapter 218, Zoning, of the Code of the Town of Mount Pleasant.*

The Revised Alternative Cluster Plan is a cluster subdivision, advanced under the authority of §A227-9 and §A227-26 C of the Mount Pleasant Town Code and Section §278 of New York State Town Law. The 16 lot Revised Alternative Cluster Plan is based upon a conventional subdivision plan that complies with all applicable R-40 zoning district bulk and area regulations and the Town's Steep Slopes Law.

- 25.) *The construction equipment has adequate access so as not to disturb anything outside the approved limit of disturbance that shall be shown on the plan drawings and, when approved, staked in the field.*

A site development protocol and construction management plan shall be required, and shall be approved by the Town before any construction activities take place. Construction and all limits of disturbance shall be delineated within construction fencing, prior to the start of work.

Potential construction related impacts to the Site resulting in erosion and the transport of sediment shall be mitigated through the requirement of the Applicant to design the Project to meet or exceed the criteria of the New York State Department of Environmental Conservation SPDES General Permit No. GP-0-10-001 for Stormwater Discharges from Construction Activity and Chapter 183 "Stormwater Management and Erosion and Sediment Control" of the Town of Mount Pleasant Code.

***Temporary Erosion and Sediment Control Facilities***

Land disturbance at the Project Site will be carefully sequenced so that grading operations can begin and end as quickly as possible, thus minimizing the exposed areas subject to erosion. Site clearing, access roads, rough land grading, and installation of underground utilities (storm, water, electric, telephone, etc.), will commence initially. All material from excavation will be stockpiled in-situ to concentrate the area of loose soil exposed to runoff. At the stockpile, silt fences will be installed and temporary dikes/swales will be placed if necessary during construction.

During this stage, soil in areas previously covered will be exposed to runoff. Erosion of these areas will be controlled by establishing temporary seeding and mulch, and by placing straw bale dikes and silt fences. The purpose of the temporary seeding and mulch is to reduce sediment carried by the runoff from the exposed areas and to control dust. Temporary seeding and mulch will be placed as soon as the removal activity is completed. During development, areas where construction has temporarily or permanently ceased will be stabilized within 14 days unless construction will resume within 21 days.

Construction of the buildings and their associated site improvements will commence once site work has been substantially completed and stabilized. Prior to starting these activities, silt fences will be placed along the perimeter of the cleared areas. Any areas disturbed as a result of this activity will receive temporary seeding.

***Structural Measures***

*Straw Bale Dike* - Straw bale barriers will be provided down gradient of all construction activities. The purpose of a bale barrier is to trap sediment from sheet erosion before it travels overland to down-gradient properties. The straw bale dikes will be placed as construction progresses on the site.

*Silt Fence* - Silt fence sediment barriers will be installed down-slope of disturbed areas with minimal slope to filter sediment runoff from sheet flow. Silt fences will also be provided around stockpile areas and between construction areas and property lines to reduce sediment- laden runoff from traveling off-site. Additional silt fences will be installed as required during construction activities.

*Anti-tracking Apron at Site Entrance* - A temporary stabilized construction entrance of gravel will be installed where the access area intersects with Washburn Road and Carleton Avenue. During muddy conditions, drivers of construction vehicles will be required to wash their wheels before exiting the site.

*Storm Drain Inlet Protection* - All storm catch basin inlets will be protected to prevent sediment-laden runoff from clogging the drain pipes during construction. Filter fabric inlet protection and/or inlet sediment devices should be used on each inlet until upland areas are stabilized.

*Diversion Dike/Swale* - Diversion dikes/swales will be included in the erosion and sedimentation plan to control and reduce the amount of sediments leaving the site. These diversion dikes/swales will be placed downgrade of disturbed areas, whenever these areas become larger than the areas allowed to be controlled by only a straw bale or silt fence. The diversion dikes/swales will be placed following the existing topography and will be temporarily seeded with a fast-germinating grass, and riprap protected at any discharge points.

*Check Dams* - Check dams will be added to diversion swales/channels, as well as any temporary drainage swales to reduce the flow velocity in the channels. This will help to reduce erosion of those temporary drainage facilities.

*Water Bars* - Water bars will be provided across the proposed roads, particularly in areas where the grades are in excess of 5%. The water bars will limit the accumulation of erosive velocities of stormwater runoff by diverting the surface water to diversion or temporary drainage swales/channels.

*Temporary Sediment Basins* - Temporary sediment basins will be constructed at the permanent detention basin locations to intercept sediment-laden runoff and to trap and retain the sediment. The size of the basin will be in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* for the area contributing to the basin during a particular construction phase.

***Vegetative Measures:***

*Temporary Seeding* - All cleared areas which will not reach final grading for a period of more than 30 days will be seeded temporarily with fast germinating temporary grasses to reduce erosion potential, immediately following grading. Selection of the seed mixture will depend on the time of year it is applied, as recommended in Section 3 of the *New York State Standards and Specifications for Erosion and Sediment Control*.

*Erosion Control Blankets or Mulch* - North American Green biodegradable erosion control blankets will be installed to provide immediate erosion protection and vegetation establishment on excavated or fill slopes or low flow channels which have been brought to final grade and have been seeded to protect the slopes from rill and gully erosion and to allow the seeds to germinate properly. The erosion control blankets will be double netting with degradable thread. This practice shall be applied especially at areas where slopes exceed 5 percent. Mulch (straw or fiber) will be used to control dust resulting from construction activity.

***Maintenance and Inspection of Temporary Control Measures:***

The Applicant will have a qualified inspector as defined by NYSDEC check all erosion and sediment control measures once every 14 days and within 24 hours of the end of a rainfall event of 0.5 inches or greater, unless otherwise specified by NYSDEC. The following items will be checked in particular:

1. Existing riprap protection outlets will be inspected to determine if high flows have caused scouring beneath the riprap or filter fabric. If repairs are needed, they should be done immediately.
2. Temporary dikes/swales shall be inspected for proper functioning or signs of erosion and shall be repaired as necessary. Sediment

- accumulated to an elevation one foot below the crest of the earth barrier shall be removed and placed in the stockpile.
3. Silt fence barriers shall be inspected for damage resulting from deterioration or undercutting and shall be repaired or replaced as necessary. Sediment shall be removed when the level of sediment deposition reaches halfway to the top of the barrier.
  4. Catchbasins and drainage outlets will be checked for accumulation of sediment.
  5. Straw bale dikes shall be inspected immediately after each rainfall event of 0.5 inches or greater. All damaged bales, end runs and undercutting beneath bales shall be replaced or repaired. Sediment deposits shall be removed after each rainfall or when the level of deposition reaches half the height of the barrier.
  6. Sediment shall be removed from temporary sediment basins whenever their capacity has been reduced by fifty percent from the design capacity.
  7. Construction entrance shall be inspected for evidence of off-site sediment tracking. The paved street adjacent to the site entrance will be swept every construction day to remove any excess mud, dirt or rock tracked from the site. Repair road and/or add stone as necessary. Dump trucks hauling material from the construction site will be covered with a tarp.
  8. The paved street adjacent to the site entrance will be swept every construction day to remove any excess mud, dirt or rock tracked from the site.
  9. Areas that have received final stabilization shall be inspected at least once per month until the entire site has been stabilized.
  10. Disturbed areas and exposed areas used for storage/stockpiling that have not received final stabilization shall be inspected for their potential sediment contribution to stormwater.
  11. The seeded areas shall be inspected regularly to ensure that a good stand is maintained. Areas where vegetation is missing or damaged shall be fertilized and reseeded as needed as soon as practical and no later than the next growing season.
  12. Inspection schedule will be completed and maintained on-site and will contain the following information: date, name of person conducting

inspection, areas inspected, problems/conditions encountered, actions taken to correct problem.

13. Employees will be trained to recognize any pollution source and report such immediately. Training will be provided before the construction activity begins.

14. A maintenance schedule will be kept on-site to record and describe any discharge incidents occurring during construction activity, including actions taken to correct the problem, date and name of person conducting the maintenance.

### ***Permanent Erosion and Sediment Control Facilities***

Grading of the existing surface will be required in and around the proposed buildings and roadway areas. Runoff from rooftops and drives will be directed to drywells/infiltration galleries to reduce the quantity of runoff requiring treatment for stormwater quality. Surface runoff from access roads, paths, and landscaped areas will be directed to drainage swales and channels, and where appropriate catch basins for ultimate connection to the grass dry swales and detention basin. Drainage swales and channels will be permanently stabilized with vegetative material or rip-rap to prevent erosion and control runoff velocities.

In order to disperse or "spread" the concentrated flow from the detention basin outlet thinly over the existing undisturbed vegetated ground, a level spreader will be provided. Its purpose is to spread the concentrated outflow over a wide area so that the erosion does not occur. The level spreader will also remove other pollutants from runoff by filtration, infiltration, adsorption and decomposition.

The above noted temporary erosion and sediment control facilities and practices shall be the responsibility of the site contractor. Permanent erosion and sediment control facilities and practices shall be the responsibility of individual homeowners or the homeowners association created for the Project. The Town of Mt. Pleasant shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of the Town "Sample Stormwater Control Facility Maintenance Agreement".

**FINDING:** the Planning Board finds that although there will be changes to the geology, steep slopes and soils of the Site that are inherent in the construction of the proposed Project, these impacts are limited to temporary construction related activity which will be mitigated to the maximum extent practicable as described above, under the supervision of the Town and the NYSDEC.

#### **4.4 FLORA & FAUNA**

##### **Vegetation:**

The vegetation inventory conducted for the Project revealed that there is only one distinct natural cover type present on the Site, known as Appalachian Oak-Hickory Forest<sup>1</sup>, which covers approximately 24.1 acres. The balance of the Site (5.9 acres) is developed and supports a residence, several detached structures, a swimming pool, tennis court, maintained lawn and landscaping. No state or federally listed threatened or endangered species have been identified on the Site.

The proposed activities on the parcels will require the removal of a maximum of approximately 4.87 acres of natural vegetation altering the amount of oak-hickory forest area on the Site but not its distribution. Within the 4.87 acres, a maximum of approximately 512 trees will be removed, of which 9 trees are dead. Forested areas that will not be impacted will remain and will continue to be classified Appalachian Oak-Hickory forest.

The upland forest area will be replaced with cultural cover types, such as mowed lawn with trees and paved driveways, single-family dwellings, garages, walks, etc. characteristic of the existing neighborhood. While some of the new cover types will provide usable wildlife habitat, in general, the cultural habitat types are of lower value to wildlife than the natural cover types. Habitat values will be dependent on landscape planting schemes and maintenance regimes of the developed lots, and on availability of protective cover for wildlife.

There are no rare or champion native trees located within the proposed development area on the Site. Up to forty-two (42) of the larger trees (24 inches dbh and over) will have to be removed for development. However, more than seventy-five percent of the larger trees will remain after development occurs. To

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<sup>1</sup> Source: Ecological Communities of New York State, Edinger, 2002.

minimize loss of habitat, the Applicant will minimize removal of natural vegetation as much as possible to preserve natural cover on the parcels. Vegetation clearing will be minimized and demarcated by orange construction fencing.

Contiguous undisturbed forested area will remain on the northern and eastern portion of the Site, which will continue to provide mature trees in the landscape of the proposed development. This will not only have ecological benefits, but will also provide mature trees in the development being built, giving the appearance of long-term establishment and stability. Other habitat aspects of the parcels will be preserved where they do not interfere with the functioning of the development. Such elements may include existing rock outcrops and standing dead trees (snags). The rock outcrops at the southern boundary provide microhabitats for small mammals, herpetiles, and invertebrates. Snags provide perching, nesting, and feeding areas for a variety of resident wildlife. These elements or parts thereof should be protected from removal during construction activities where possible.

Tree Reforestation requirements were calculated for a conventional subdivision of the property in accordance with *Chapter 201: Article I Tree Preservation* of the Mount Pleasant Town Code. This method accounts for trees with a DBH (Diameter at Breast Height) of ten inches and larger. The required replacement density (RDF) for the proposed layouts is negative (-1,108), meaning that no reforestation is necessary for the proposed site because of the extensive number and high density of trees to remain. The existing density factor (EDF) of trees to remain on the site is a minimum of 1770.

Landscape plans will be submitted as part of the subdivision review process. A detailed plant list has been developed (Refer to Table III.D-4 on page III.D-6 of the DEIS) that consists of plants that are native to Westchester County and have strong emphases on plants material found in an Appalachian Oak-Hickory Forest ecological community. The plant list will be used to develop Landscape Plans that will be prepared for subdivision review.

**Wildlife:**

The Site wildlife inventory included field surveys and consultation with the NYSDEC Natural Heritage inventory and the USFWS. No state or federally listed threatened or endangered species are present on the Site. Wildlife observed on

the Site (mammals, birds and herpetiles) are typical of the area, and wildlife diversity was observed to be low when compared to similar parcels of this size. This is attributable to high noise levels from continuous traffic on the Taconic State Parkway as well as the lack of natural corridors or habitat connections to expansive natural areas off-site due to the developed nature of the surrounding area.

Direct impacts to wildlife from the proposed development will primarily be displacement. Some species found on the Site are typically found in suburban settings and have already adapted to proximal human habitation. These species will remain on the developed portion of the Site. Temporary wildlife displacement during construction is a short-term impact. The Proposed Action minimizes forest cover removal to a maximum of only about 4.87 acres; the Revised Alternative Conservation Plan will involve less forest cover removal. Native plantings will be provided at each dwelling to mitigate for the loss of natural forest area. The layout of the plantings including the number and species to be used, will be prepared at part of the subdivision review.

**FINDING:** The Planning Board finds that approximately 20% of the Site has been disturbed to support a residential estate and the balance of the Site supports an Appalachian Oak-Hickory Forest, which is typical of the region. Wildlife that occupies the Site is characteristic of the area, and many species have already adapted to proximal human habitation. There are no state or federally listed threatened or endangered species present on the site that would warrant revisions or modifications to the Proposed Action. While the disturbance of 7.93 acres (or 26.4 percent of the Site) will result in impacts, the design layout and configuration of the project avoids the Site's most sensitive environments. A new site landscaping plan, combined with the preservation of existing mature vegetation, will mitigate the removal of trees and on-site vegetation associated with the development of the Site. No reforestation is required under the Town's Tree Preservation Ordinance. As a result, the Planning Board finds that no significant adverse impact to the Site's flora and fauna will result from the Proposed Action.

#### **4.5 SURFACE WATER RESOURCES & STORMWATER MANAGEMENT**

Stormwater runoff within the Project Site is generally in a north to south direction towards an existing pond at Washburn Road. The developed area of the

site is situated in a watershed of approximately 36 acres. Within the overall watershed, 20 acres drain towards the existing pond located just outside of the southeast corner of the property. On-site, a portion of the runoff is collected in a series of inlets located along the western driveway off Washburn Road (proposed project entrance). These inlets are connected to a catchbasin situated on the northwest corner of the driveway's intersection with Washburn Road. In addition to the inlet flow from the property, this basin has an 18" pipe connection to a drainage structure to its west and collects road runoff that flows overland in a ditch along the edge of Washburn Road. The outlet from this catchbasin, an 18" RCP pipe, flows to a headwall situated on the north side of the small pond on the lot at the southeast end of Washburn Road. This pond has a pipe outlet to the NYSDEC wetland adjacent to the Taconic State Parkway. Below (east) the proposed project entrance, runoff flows in a ditch on the north side of Washburn Road, then across the pavement at the dead end and into the NYSDEC wetland.

None of the Site is within the New York City reservoir watershed. In addition, there are no wetlands, waterbodies, surface watercourses, or floodplains on or in the vicinity of the Site except the NYSDEC Freshwater Wetland located to the south of the property.

The properties surrounding the Project Site are all served by Village of Briarcliff Manor water supply system and there are no wells that are used for drinking water use in the vicinity of the Site. In general, in unconfined aquifers such as those present at the Project Site, groundwater recharge areas are usually in elevated topographical areas; discharge areas are located in topographic lows. Discharge areas typically feature vegetation common to wet soils and surface water. Due to the physical characteristics of this site (i.e. direction of land slope, bedrock outcroppings, wetland soils, watercourses, etc.), it is probable that most precipitation, which falls on this Site, is discharged to the watercourse adjacent to the southbound Taconic State Parkway and south of Washburn Road, both through surface water runoff and groundwater discharge.

The drainage analysis conducted for the Proposed Action revealed that without detention, there would be small increases in the peak runoff rates. To mitigate these increases, a detention basin has been proposed in the southeast portion of the Site. This basin will collect drainage from the developed portions of the Site, where peak flows will be conveyed through a closed storm sewer. The basin's 1.3

acre-feet of storage has been designed to mitigate any increase in Peak runoff for the 1, 2, 10, 25, 50 and 100 year design storms.

Several Stormwater Management Practices (SMPs) are incorporated into the stormwater management system design to maintain water quality. The methodology used for the design of the SMPs will follow the guidelines contained in *New York State Stormwater Design Manual* to meet the Phase II Stormwater Regulations.

The proposed SMP's include dry swales, plunge pools and dry wells/infiltrator chambers.

- Grassed, dry swales - will be constructed in several locations near the proposed detention basin on the site. These swales will be used to provide water quality treatment before peak discharges enter the detention pond. Pollutant removal mechanisms in water quality swales include sedimentation, adsorption, biological treatment and microbial breakdown. The swales will be trapezoidal with a 3:1 side slope, 3.0-foot bottom and 0.008 slope. The swales are designed to carry the water quality discharge at a minimum of 10 minutes detention time and allowed to pass the overbank flood ( $Q_p$ ).
- Plunge pools - at the upstream end of the dry swales, plunge pools will be constructed to pre-treat 25% of the water quality volume. In order to treat the water quality flow up to the channel protection discharge (CPv), a diversion structure will be constructed upstream of each plunge pool. The diversion structure will allow smaller flows toward the plunge pool and larger flows to enter directly into the detention basin. A water quality swale is also directed to the plunge pool. The swale reduces the velocity, temporarily stores stormwater runoff and promotes infiltration.
- Drywells/Infiltrator chambers - First flush runoff volumes from roof and drive areas will be collected in infiltration trenches as required, to provide the volume of water quality treatment prescribed by NYSDEC guidelines. Dwellings which do not drain directly to the detention basin watershed will be provided with infiltration.

In addition to these measures, a micropool and extended detention area has been identified as a suitable stormwater management practice that could be incorporated into the detention basin to enhance stormwater quality and reduce peak discharge. During construction, the detention basin could function as a temporary sediment basin to capture sediment from construction.

The SWPPP approved for this project shall also include the erosion and sediment control measures detailed in Section 4.3.

**FINDING:** the Planning Board finds that the proposed stormwater management plan meets the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, conforms to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01, minimize increases in stormwater runoff from the development of the Site in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels; minimizes increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality; minimizes the total annual volume of stormwater runoff which flows from the Site during and following development to the maximum extent practicable; and reduces stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety. No significant adverse impacts are anticipated.

#### **4.6 UTILITIES**

##### **Water Supply:**

The Project Site is currently not within a water district. The water mains situated in the roads adjacent to the Site that are part of the Village of Briarcliff Manor's (Village) Water District. The Village Water District supplies approximately 8,800 persons within the Village boundaries with an additional ±2,700 connections in the Towns of Mt. Pleasant and Ossining. In 2008, the system supplied a daily average of 1.1 million gallons per day (mgd) with a peak of 3.3 mgd. The normal

source of the water is the New York City Catskill/Delaware system, however in the summer months it is supplemented by water from the Croton Reservoir. The Village is currently implementing a connection to the Lower Catskill System through a connection through Sleepy Hollow to replace the Croton Reservoir connection.

The water mains along Fox Run Road and Carleton Avenue consist of 8" diameter Blue Brute plastic pipe and were constructed in the early 1980's as part of the Countryside subdivision. These lines run along Carleton Avenue and create a loop between Horsechestnut Road and Chappaqua Road. The water mains in Todd Lane/Washburn Road are comprised of 8" DIP (ductile iron pipe) and dead end in three locations. One is on Washburn Road, approximately 520 feet west of its intersection with Todd Lane. The second is at a hydrant approximately 100 feet east of Todd Lane along the driveway to 128 Todd Lane (lot 17 of the Project Site), which provides water service to 124, 128, and 132 Todd Lane. The final terminates at the Washburn Road dead end adjacent to the Taconic State Parkway. There is however a 2" line that runs under the Parkway that had been abandoned by cutting and capping when the Parkway was reconstructed in the 1990's. The water mains in this area were relined in 2008 by the Village of Briarcliff Water District.

The Applicant advised the Planning Board that its engineer, WSP Sells, Inc., discovered a third 8-inch water main extending from the water main in Carleton Avenue over a portion of the subdivision property to Tax Lot 40 and the pump house on Lot 40. Among the improvements located by the Applicant are an existing utility manhole which houses an existing water meter for the additional 8-inch water main connection. WSP Sells found a water valve and meter on the line prior to the pump house on Lot 40. The water main/service appurtenances were surveyed and their location was shown on a plan included in the FEIS. WSP Sells confirmed that the type, caliber and size of the improvements are typical of those found in a municipal water supply system and not the type the average homeowner would obtain and/or install. Water service is provided by the Briarcliff Manor Water District to the properties to the north (homes in the Countryside Subdivision), west (homes on Todd Lane) and south (homes on Washburn Road) of the Project Site. The Applicant maintains that these water-main related installations justify including the Project site among the existing connections to which Briarcliff Manor Water District could provide water service.

The Applicant has expressed its intent to continue to pursue the public water supply for the Subdivision.

1. *Design Flows* - Household water use was calculated based on 150 gallons per bedroom per day. The Proposed Action will have 16 new residences, eight of which will be 3- or 4-bedroom houses and the other eight 3-bedrooms. However, no additional usage was included for the existing residence as it is already connected to the public water supply. In addition to the general household use, lawn irrigation was calculated based on 1" irrigation per week as recommended by Cornell University Department of Horticulture. The water used for irrigation will come from the same source as the drinking water. The total water demand for the Proposed Action is 37,026 gallons per day. The peak flow rate for an individual house, based on a 4 times multiple of the average flow was calculated at 3.57 gallons per minute.
2. *Proposed Water Distribution System* - The proposed water distribution will consist of an 8" DIP water main connecting at Washburn Road, running along proposed Road A, heading west at the intersection with Road B and connect at Carleton Avenue; this establishes a loop, between two existing mains within the Village's water system, that currently is missing. The looping of water mains is desirable so that water service can be maintained if sections of the system are shut down due to breaks or for maintenance. In order to provide for accurate readings for water use to the development, a secondary service line with its own water meter would branch off of the looped water main to serve the homes in the subdivision. This will require a parallel line to run in Road A to service the lots along that Road.

Calculations were run to determine whether there would be adequate pressure at the highest plumbing fixture in the Proposed Action. It has been calculated that approximately 37 psi of pressure would be available at a second-floor plumbing fixture for a residence on proposed Lot 5, the highest house in the Proposed Action. This exceeds the minimum acceptable pressure of 35 psi.

3. *Connection to Village of Briarcliff Manor Water District* - The Applicant acknowledges that a water district must be formed before

service can be provided to the subdivision; that the Village Water District and the Town of Mount Pleasant are in discussions about the creation of a Town-wide Water District; and that the timing of such an arrangement is unknown.

It is proposed that the Proposed Action will connect to the Village of Briarcliff Manor water system and at each end, thus providing the benefit of looping the existing system. Although there is adequate volume and pressure for the proposed subdivision, there is the issue of the creation of a new water district and the creation of an intermunicipal agreement between the Town and the Village for the water supply. If an agreement cannot be reached at the time of construction and public water is not available, the Applicant proposes that individual wells be drilled on each lot. The Applicant has five wells on the project site one of which was tested and yielded 55 gallons per minute ("gpm"). According to the water demand analysis, the project's domestic and irrigation water supply demand is 3.6 gpm per household per day. The yield of the existing wells demonstrates that an adequate groundwater supply exists on the property to support individual wells for both domestic use and lawn irrigation.

**Sanitary Sewage:**

The Project Site is located within the Westchester County Department of Environmental Facilities (WCDEF) Saw Mill River Sewer District; however it is not currently served by sanitary sewers. The existing buildings on the property use subsurface treatment system (SSTS's) for disposal of sanitary sewage. The system for the main residence, which has seven bedrooms, is located to the rear of the house. There is a separate SSTS, which serves the single bathroom in the pool house. It is located south of the building in the vicinity of proposed Lot 3.

For the properties surrounding the Project Site, sanitary sewers are only located in Carleton Avenue area. These sewer mains were installed in the early 1980's when that area was developed as the Countryside Subdivision and are part of the Town of Mt. Pleasant sewer system. The sewer mains are 8" gravity lines located in Doxbury Circle, Fox Run Road, Carleton Avenue, Woodford Bend and Briars Corner. The gravity lines connect to a pump station located northwest of the intersection of Briars Corner and Carleton Avenue. The sewage is then pumped through a 4-inch force main to a receiving manhole located just north of

the Carleton Avenue/Patricia Avenue split. From that point, sewage flows by gravity down Carleton Avenue to Pleasantville Road, via Todd Lane.

A 16" ductile iron pipe WCDEF trunk sewer main is in close proximity to the Project Site. It is located west of the Taconic State Parkway between the Parkway and Washburn Road. It flows south and crosses under the Taconic State Parkway approximately 400' south of the Washburn Road dead end. There are manholes at each end of this crossing, one of which can be observed in the middle of the NYSDEC Freshwater Wetland O-16 adjacent to the Taconic State Parkway. This main was constructed by WCDEF in the mid-1990's as the "Kinderogen Sewer Extension".

Due to the configuration of the sewer mains in the area surrounding the Project Site, only the adjacent properties located along Fox Run Road and Carleton Avenue are serviced by sanitary sewer mains. Houses on Washburn Road and Todd Lane use SSTS's for the treatment of sanitary sewage.

1. *Design Flows* - The sanitary sewer flows of the proposed subdivision have been calculated based on the proposed bedroom count. The Proposed Action will have 16 new residences, eight of which will be 3- or 4-bedroom houses and the other eight 3- bedrooms. In addition to the new residences, under the Proposed Action the existing seven-bedroom house and the pool house at 128 Todd Lane will connect to the new sanitary sewer.

The wastewater design flow per bedroom per day was determined to be 150 gallons as per the Water Quality Management Program, "The Design of Small Water Systems", New York State Department of Health. The design load of residential usage for the Propose Action is 10,655 gallons per day (GPD). It should be noted that sewage design load is approximately one-third of the daily water demand of 37,026 GPD. This is due to the fact that the average daily water demand includes 27,426 GPD for lawn irrigation, which would not discharge into the sanitary sewer system. The daily demand for the domestic use of the proposed 16 new residences is 9,600 GPD.

2. *Proposed Sewer System* - The proposed subdivision will utilize gravity sewer mains within the roadway areas starting at the two cul-de-sacs and

then running downhill along Roads B and C to Road A. The main will continue south on Road A to Washburn Road, where it will flow east towards the dead end adjacent to the Taconic State Parkway. At that point it will connect to an existing trunk sewer main in the Saw Mill Sanitary Sewer District via one of two possible alternatives.

- Alternative 1: proposes turning south off Washburn Road and connecting to the existing sanitary manhole that lies in the middle of a NYSDEC regulated wetlands along the Taconic. This is not the preferred alternative due to all corresponding issues with disturbing wetlands.
- Alternative 2: utilizes the existing pipe alignment of a water main abandoned by the Village of Briarcliff Manor that currently runs under the Taconic. This would require the jacking of the sewer line beneath the Taconic. By using an existing pipe corridor, the potential for problems with jacking, such as encountering rock, is greatly diminished. This pipe layout is approximately 160 feet less than Alternative 1. Both connections are feasible as per existing and proposed elevations and will allow the sanitary sewer to operate as gravity to the existing main.

3. *Growth Potential* - The construction of the new sewer connection to the County trunk sewer main will allow houses currently served by SSTS's to connect to the municipal system. Properties along Washburn Road from approximately its intersection with Todd Lane to the dead end adjacent to the Taconic State Parkway would be able to connect to the new sewer main via a gravity line, although for the properties situate north of the intersection of proposed Road A with Washburn Road, a new sewer main would be necessary. This area encompasses approximately 18 existing properties, none of which are capable of being subdivided. Connection to a municipal sewer would however allow for expansion of existing residences to provide additional bedrooms, which may be precluded under the current Westchester County Health Department Regulations that govern the design considerations of SSTS's.

The Proposed Action will connect to the existing County Trunk line via a gravity sewer main on either the east or the west side of the Taconic State Parkway. Neither of these alternatives will have an impact on the sewer system. No further

mitigation is proposed. There will be the possibility of a gravity feed for sanitary sewer to the public connections on Carleton Avenue.

**FINDING:** the Planning Board finds that adequate infrastructural capacity exists to accommodate the Project's sewer and water demand. Domestic water service to the new dwellings via a connection to Village of Briarcliff Manor water system is the preferred method, however, adequate groundwater resources are available should the Project be forced to rely on individual wells. The proposed sewer improvement would allow an additional 18 residences to connect to the new sewer line, thereby eliminating their reliance on SSTS's.

#### **4.7 TRAFFIC & TRANSPORTATION**

The roadways in the vicinity of the Site are two-lane, two-way roadways. Project related traffic impacts to the following intersections were evaluated:

- Carleton Avenue and Chappaqua Road
- Carleton Avenue and Route 9A
- Todd Lane and Pleasantville Road
- Site Entrance & Washburn Road
- Site Entrance & Carleton Avenue

The development of the 16 new residences will result in 6 inbound and 17 outbound AM weekday vehicle trips and 14 inbound and 8 outbound PM weekday vehicle trips. This volume of traffic would result in slight increases in traffic volumes; however, delay times at the intersections would remain similar to the no-build condition. The Todd Lane and Pleasantville Road intersection would continue to operate at poor levels-of-service, similar to the no-build condition. All other intersections will operate with good to excellent levels-of-service.

The Project calls for the construction of new roadways. Access to the Project will be provided via a new roadway running between Washburn Road to the south and Carleton Avenue to the north. The legality of the development of the site roadway across a portion of the Site known as "Parcel D" has been thoroughly researched, and it is the considered opinion of the Town Attorney as documented in a memorandum to the Planning Board dated December 16, 2011,

that "this Planning Board is not prohibited by the "open space" portion of extant covenants, maps and resolutions from permitting access road improvements for a connection, via Parcel D to Carlton Avenue."

Developing adequate site access will require the sight distance improvements along Washburn Road to the east, involving cutting back the slope within the right-of-way on the east side of Washburn Road to create the required 240' of sight distance (144' currently exists).

**FINDING:** the Planning Board finds that the proposed development of the Site will not have a significant adverse impact on the Levels of Service of the intersections surrounding the Site, roadway operating conditions or the areas traffic operations.

#### **4.8 SOCIO-ECONOMIC/FISCAL**

##### **Demographics:**

According to the 2010 census, the population of the Town of Mount Pleasant was 43,724. The Proposed Action is projected to generate approximately 51 new residents (3.18 residents per residence), which is equivalent to a 0.11% increase in the Town's population. This is likely a conservative estimate, as approximately half of the new residences will be marketed to empty nesters.

Based upon commonly accepted demographic multipliers<sup>2</sup>, it is projected that the 9 new school aged children would be generated from the 16 units.

##### **Fiscal Analysis:**

The current tax rate for residential property in the western portion of the Town of Mt. Pleasant is \$1,809.44 per thousand (2009) if the property is located in the North East Briarcliff Fire Protection District and \$1,816.05 if the property is within the Eastern Briarcliff Fire Protection District. The northern portion of Parcel A is located in the Eastern Briarcliff Fire Protection District (±4.2 acres) and the balance of the site is located in the North East Briarcliff Fire Protection District (±25.8 acres). The Subject Site currently pays approximately \$48,575.45 per annum in property taxes to all taxing jurisdictions.

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<sup>2</sup> Rutgers University, Center for Urban Policy Research, *Residential Demographic Multipliers Report*, 2006.

In order to calculate anticipated tax revenue comparable assessments were evaluated using residential development in proximity to the Project Site. The proposed units are anticipated to be approximately 3,200 square feet in size for the empty nester units and 4,000 square feet for the balance. Based on a per square foot evaluation it is anticipated that the project would yield a conservative estimate of more than \$538,000 annually to all taxing jurisdictions. These revenues could be used to cover costs to service the community.

**FINDING:** the Planning Board finds that the proposed development will generate approximately \$538,000 annually in real estate taxes to all taxing jurisdictions. These taxes are anticipated to offset an increase in municipal service costs incurred by the Town. No adverse fiscal impacts are anticipated.

#### **4.9 COMMUNITY FACILITIES & SERVICES**

##### **Police:**

The Town of Mount Pleasant is serviced by the Mount Pleasant Police Department with headquarters located on the lower level of Town Hall at One Town Hall Plaza in Valhalla. The Department has primary law enforcement jurisdiction within the unincorporated areas of the Town, approximately 25 square miles. The Department currently employs 45 full time sworn officers and approximately 20 auxiliary employees. There are currently 30 vehicles in the Department's fleet, which include marked and unmarked sedans, four-wheel drive vehicles, motorcycles, marine units, and special purpose vehicles. The Police Department has averaged approximately 22,164 calls to service over the last three years (2006-2008). Typical calls involve enforcement of laws, namely vehicle traffic laws, emergencies such as aided calls, fires, vehicle accidents, domestic disputes, burglar alarms and investigating reported crimes.

Response time to the site has been estimated at 5 minutes or less depending on position of on-duty officers in relation to the site, and availability of officers on patrol. The project site is located within a section of the Town that is patrolled 24/7.

Impacts to police service or coverage are anticipated to be minimal as the subject area is currently located in one of the five patrol sectors. It is anticipated that the HOA will supply security patrols through the proposed community on a daily basis.

Scarborough Road, which houses the Scarborough Engine Company. The department has approximately 150 members in its three companies.

The Fire Department has one tower ladder, one heavy rescue vehicle, two ambulances, three class-A pumpers and a utility truck. In addition, it has a trailer used for safety demonstrations and a weapons-of-mass destruction trailer acquired through a grant from the Federal Emergency Management Agency.<sup>1</sup>

The Briarcliff Manor Fire Department also provides ambulance service. The Department staffs two ambulances, which are manned when needed by volunteer personnel. The Village also participates in a fly car support program as part of an agreement with Croton-on-Hudson, Ossining Volunteer Ambulance Corps and Phelps Memorial Hospital.

The three hospitals located within the area include Phelps Memorial Hospital, Westchester Medical Center and Northern Westchester Hospital. Phelps Memorial Hospital is a 235-bed medical facility located approximately 6 miles from the project site in Sleepy Hollow. Westchester Medical Center is a 635-bed facility located approximately 5 miles from the project site in Valhalla. Northern Westchester Hospital is a 233-bed facility located approximately 10 miles from the project site in Mount Kisco. Northern Westchester Hospital has approximately 633 physicians associated with the hospital.

It is anticipated that there would be minimal impact to the BMFD resulting from a slight increase in the calls to service due. All homes within this subdivision will be fully sprinklered. Fire hydrants would be installed to facilitate emergency service. The new roads constructed for the development will be compliant with any regulations or standards that are required for firefighting equipment in the Town. The design of the development will also facilitate any service required. In addition, the resulting on-site population becomes a potential pool of volunteers for the Fire Department.

**Schools:**

The subject site is located within the Briarcliff Manor Union Free School District. The Briarcliff Manor School District is approximately 6.8 square miles, covering a majority of the Village of Briarcliff Manor and a portion of the Town of Mount Pleasant. The district consists of three schools: Todd Elementary School (grades K- 5); Briarcliff Middle School (grades 6-8); and, Briarcliff High School (grades 9-

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The Proposed Action is anticipated to generate approximately 9 total public school- age children. This is estimated based on the Rutgers University, Center for Urban Policy Research *Residential Demographic Multipliers Estimates of the Occupants of New Housing June 2006*. It is also common that approximately 25% of the children generated by this development would attend private or parochial schools (2-3 children). So the actual impact on the public schools would be approximately 6 children.

Given that a portion of the Proposed Action is intended to be marketed toward empty nesters, it is anticipated to have a different impact compared to traditional single-family housing. Thus, the actual number of school-aged children generated by this Project is anticipated to be even lower than the number projected above.

As discussed in the fiscal impacts section of this DEIS, cost to educate the children projected to be generated by this Project is conservatively estimated to be \$354,650. The tax revenue generated in school taxes by the Project is estimated to be \$412,200, resulting in a net surplus of \$57,550.

**Solid Waste:**

It is estimated that an existing single-family residence generates approximately 1.3 tons of solid waste, including recyclable material, per year<sup>3</sup>. The Proposed

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<sup>3</sup> Development Impact Assessment Handbook, Urban Land Initiative, 1994

Action is anticipated to generate approximately 20.8 tons of solid waste per annum. This includes recyclable materials.

The proposed residential community would have a homeowners association that would oversee specific functions of the community including solid waste collection. Based on the coordination of solid waste pickup, the Applicant does not anticipate any significant impact to municipal solid waste pick up.

**Parks, Recreation & Open Space:**

Within the Town of Mount Pleasant, there are currently 18 public parks with services ranging from sports fields and courts to picnicking and camping opportunities. Within the Town there is ±314 acres of passive parkland available and ±88 acres of active parkland. In addition to the parks within the Town of Mount Pleasant, there are several parks located in the Town of Ossining and the Village of Briarcliff Manor, located within driving distance of the project site.

The development of the Proposed Action will not result in significant impacts to the parks, recreation and open space within the Town. The estimated increase on municipal population as a result of the Proposed Action is 0.11 percent. This is a minimal increase, and would not substantially impact the provision of recreation services within the Town. By utilizing the conservation subdivision design, the development of the Site will permanently preserve approximately 9.1 acres of the site as contiguous passive open space which will incorporate walking path system for project resident use.

**FINDING:** the Planning Board finds that the taxes generated from the development of the Project will more than off-set any municipal service increased required. The Project will result in a net tax surplus for all taxing jurisdictions.

**4.10 HISTORIC AND CULTURAL RESOURCES**

The Phase IA Literature Review and Sensitivity Analysis conducted for the Project revealed that the Site is bounded on the south by Washburn Road, a historic road that existed prior to 1851, and on the north and west by residential development. The access road that divides the subject site north to south has been shown on historic maps to be preceded by a farm lane extending between Washburn Road and Chappaqua Road.

The main house on the property is a Colonial Revival structure dating to the late 19th century, early 20th century, (between 1870 and 1920). This house is the only structure on the site that is over 50 years old, as most of the other buildings were built in the 1970s or more recently.

As part of the initial research for the Phase IA literature review archaeological site maps of the OPRHP and NYSDM housed at Peebles Island were examined. These files indicate that no prehistoric sites have been reported within a 1-mile radius of the Taconic Tract Subdivision site. In addition to the fact that no prehistoric sites are listed in the area, there are also a number of environmental factors that suggest the potential for the site to contain prehistoric resources is low. There include the steep and extremely steep slopes that characterize much of the project area, as well as the lack of easily accessible, naturally occurring water on the site. The examination on the site does not suggest that any of the bedrock outcrops located within the Area of Potential Effect (APE) have sufficient overhang or are of sufficient height to have served as rock shelters. No quartz veins were observed in the bedrock on the site, suggesting that no prehistoric quarries are present on the site.

In addition to the archaeological site files, the OPRHP files were reviewed to identify whether it was likely that the project area contained historic cultural resources. The review of the historic maps for the area, to be discussed below, indicates that until the late 19th century the project area was interior farmland associated with the Washburn farm and that no structures were located on the site.

The examination of the OPRHP files indicates that few professional surveys have been completed in the area. Two surveys by Hartgen and Fisher dating to 1978 and 1979 were of the Taconic State Parkway from the Hawthorne Circle Interchange to Campfire Road. No prehistoric sites were reported as a result of the 1978 field survey. Several historic sites were indentified, two of which were subjected to additional testing in 1979. In 2002 CITY/SCAPE: Cultural Resource Consultants completed a Phase IA Literature review and Sensitivity Analysis and Phase 1B Archaeological Field Reconnaissance Survey for the Village of Briarcliff Manor. The report was prepared as part of a Hazard Mitigation Grant Program (Application No. 1296-0013-6047) for the Pocantico River, which flows through

Briarcliff Manor. No prehistoric or historic sites were identified as a result of the Phase 1B survey completed for the Pocantico River Channel Widening Project.<sup>8</sup> The review of the OPRHP site files showed that there were two National Register or National Register-eligible structures within a 1-mile radius, the first being the Taconic State Parkway, which runs along the eastern boundary of the site, and the second being the New Croton Aqueduct.

Based on the lack of reported prehistoric archaeological sites within a 1-mile radius and the environmental factors present on the site, it is considered that the prehistoric potential of the Taconic Tract Subdivision is low. With respect to historic cultural resources, the map research indicates that no 18th or 19th century dwellings were located on the project area, and that the house on the property appears not to have been built before 1901. It is, therefore, considered that the potential for historic cultural resources to be located on the site is also low. Based on these findings, no further archaeological work is required for the Taconic Tract Subdivision.

The Taconic State Parkway will visually be affected by the proposed Project, however there will be no physical impact to the Parkway. In order to protect the visual integrity of the Taconic State Parkway, a buffer between the subdivision and the Parkway will be preserved.

**FINDING:** the Planning Board finds that the Project will not result in any significant adverse impacts to any historic, archaeological or cultural resources.

#### **4.11 AIR QUALITY & NOISE**

NYS DEC maintains an Air Quality Index (AQI) for reporting the daily air quality for particular regions throughout the State of New York. The air quality index report was recently prepared for the White Plains portion of the region indicated that the air quality was "good."

The standard methodology for determining whether there will be air quality impacts relates to roadway conditions, specifically failed conditions at critical intersections. As there are no failed intersections reported as a result of the Proposed Action, there is no other specific threshold to warrant the preparation of further air quality analysis.

The development of the Site will result in temporary noise and air quality related impacts due to construction related activities. Construction activities will conform to Section 139 of the Code of the Town of Mount Pleasant, related to construction activities.

The carbon footprint for the proposed development was calculated using the EPA Household Emissions Calculator. The calculator takes into account the location, amount and type of home heating consumption, electricity consumption, vehicular travel, and recycling behavior. For this calculation, the average figures for nationwide consumption provided by the EPA were used (weekly oil consumption, weekly electricity consumption, miles per gallon, weekly miles traveled). In addition, it was assumed that aluminum and steel cans, plastic, glass, newspapers and magazines were to be recycled, per Westchester County mandatory recycling law. The result of the calculation is that each house is expected to generate approximately 49,434 pounds of CO2 emissions per year. This comes to a total of 790,944 pounds of CO2 emissions per year for the proposed development. These figures are lower than the national average for individual homes, which is calculated to be 52,558 pound of carbon per household per year. These impacts can be further reduced through the use of energy saving appliances, reduction in driving, and improvement of vehicle's miles per gallon rating, as well as other energy saving techniques.

Ambient background noise levels proximate to the Project Site are related to the presence of the Taconic State Parkway, a multi-lane regional highway system. Existing activities on the Project Site are consistent with the surrounding residential neighborhood, and would not result in noise generation above the ambient background noise levels.

**FINDING:** the Planning Board finds that the Project will not result in any adverse long-term air quality or noise impacts.

#### **4.12 CONSTRUCTION**

The development of the Site will result in short-term construction related impacts that cannot be avoided, including construction noise, dust and construction-related traffic.

Local ambient daytime noise is expected to increase in the vicinity of the Site during construction of the Project, specifically during site clearing and construction of the proposed buildings, as well as interior roads. Construction activities and the operation of construction equipment are an expected and required consequence of any new construction project and cannot be avoided. All mechanical construction equipment will be maintained in good working order to minimize noise levels. Noise levels will diminish in intensity as site preparation, excavation work, and foundation development are completed.

Construction shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Mondays through Saturdays, with no construction activities occurring on holidays or Sundays. There may be instances when construction hours may need to exceed these parameters, but construction will always be in accordance with the Town of Mount Pleasant requirements. Noise dampening practices will also be used during construction to minimize the impact on surrounding properties.

Construction activities on the site could potentially cause an increase in airborne dust on the site and the immediately adjacent properties. To minimize dust generated during construction, dust control measures and other best management practices will be employed, including dust covers on construction trucks, regular watering down of exposed areas and minimization of disturbance areas.

Erosion and sediment control measures are designed in compliance with the *New York State Standards and Specifications of Erosion and Sediment Control*. Land disturbance at the proposed site will be carefully sequenced so that grading operations can begin and end as quickly as possible, thus minimizing the exposed areas subject to erosion. Site clearing, access roads, rough land grading, and installation of underground utilities (storm, water, electric, telephone, etc.), will commence initially. All material from excavation will be stockpiled in-situ to concentrate the area of loose soil exposed to runoff. At the stock pile, silt fences will be installed and temporary dikes/swales will be placed if necessary during construction.

During this stage, soil in areas previously covered will be exposed to runoff. Erosion of these areas will be controlled by establishing temporary seeding and mulch, and by placing straw bale dikes and silt fences. The purpose of the temporary seeding and mulch is to reduce sediment carried by the runoff from the exposed areas and to control dust. Temporary seeding and mulch will be

placed as soon as the removal activity is completed. During development, areas where construction has temporarily or permanently ceased will be stabilized within 14 days unless construction will resume within 21 days.

Construction of the buildings and their associated site improvements will commence once site work has been substantially completed and stabilized. Prior to starting these activities, silt fences will be placed along the perimeter of the cleared areas and temporary seeding will be done as necessary to install the silt fences.

Grading of the existing surface will be required in and around the proposed buildings and roadway areas. Runoff from rooftops and drives will be drywells/infiltration galleries to reduce the quantity of runoff and a treatment for stormwater quality. Surface runoff from access roads, paths, and landscaped areas will be directed to drainage swales and channels, and where appropriate catch basins for ultimate connection to the grass dry swales and detention basin. Drainage swale and channels will be permanently stabilized with vegetative material or rip-rap to prevent erosion and control runoff velocities.

In order to disperse or "spread" the concentrated flow from the detention basin outlet thinly over the existing undisturbed vegetated ground, a level spreader was provided. Its purpose is to spread the concentrated outflow over a wide area so that the erosion does not occur. The level spreader will also remove other pollutants from runoff by filtration, infiltration, adsorption and decomposition.

There will be temporary, short-term impacts to traffic in the surrounding area, due to construction-related vehicles arriving and departing the site. The quantity and frequency of truck traffic will vary depending on the nature of the construction operation. Earth moving equipment, such as bulldozers and loaders, will be brought to the site by flatbed trucks during the beginning stages of the project. This equipment will most likely remain on site until the completion of construction. It can be expected that various trucks will be making deliveries of construction materials during daytime hours. Because relatively few truck trips are anticipated during peak hours, significant impacts from construction vehicles are not expected. Proper notice will be given for any and all lane closures that may be necessary during roadway construction to mitigate traffic impacts.

Blasting will be avoidable wherever practicable and will generally be limited to those areas requiring rock removal of greater than four feet in depth. Excavation equipment or mechanical means of rock removal will be employed to remove rock, where practical. The potential effects upon nearby building foundations and local aquifers can be minimized by employing proper blasting techniques. These techniques minimize the amount of vibration from the blast that can impact structures and local aquifers. Damage from flying debris can also be avoided through the use of proper blasting techniques. Any necessary blasting will adhere to applicable state and town regulations.

**FINDING:** the Planning Board finds that subject to the mitigations measures outlined above, no adverse impacts will result from the construction of the Project.

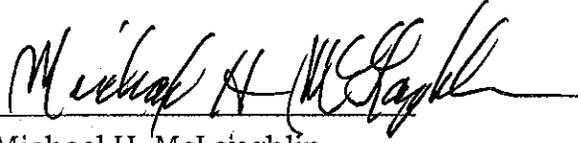
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### **CERTIFICATION OF FINDINGS**

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Town of Mount Pleasant Planning Board



Michael H. McLaughlin  
Planning Board Chairman

3/2/12

Date