

**Environmental
Protection**

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March 22, 2012

Ms. Dawn Onufrik, Planning Board Secretary
Town of North Salem
Lobdell House
270 Titicus Road
North Salem, NY 10560

**Re: Lead Agency Notification
Bridlepath Subdivision
June Road
Town of North Salem, Westchester County
Tax map#: 5.-1735-19
DEP Log #: 2006-MU-0132-SQ.2**

Dear Ms. Onufrik and Members of the Planning Board:

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

The proposed site is located in the Muscote drainage basin of the New York City's Water Supply Watershed and, the proposed action involves the conversion of a 40 wooded acre parcel into a residential development consisting of 65 affordable units in eight (8) two-story buildings. The proposed development will be serviced by private on-site water supply, wastewater treatment plant and stormwater management facilities. Access will be via a private driveway off June Road.

DEP's status as an involved agency stems from its review and approval authority of a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39(b)(3)(i) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). DEP also maintains approval authority for the proposed community subsurface treatment system and sewer collection system pursuant to Section 18-38 (a)(3) and 18-37(e) of the Watershed Regulations. All previously issued DEP approvals will need to be amended.

Based upon the review of the submitted documents, DEP respectfully submits the following for the Board's consideration:

1. There is a discrepancy within the EAF narrative regarding the acres of proposed buffer impacts as follows:
 - Page 4 states that approximately 0.3 acres of on-site NYSDEC and Town regulated wetland buffer and 0.215 acres of off-site wetland buffer will be disturbed, Table 1 on page 6 states that 0.4 on-site buffer and 0.215 off-site buffer disturbances is anticipated, and page 16 states that there will be 0.4 on-site and 0.15 off-site buffer disturbance. The discrepancies should be reconciled.
 - Section 3.4 of the EAF narrative states that the project site includes four separate mapped wetlands but does not include the additional wetlands contiguous to the project site that are shown on the provided plans. The applicant should include Local Wetlands E and F which are part of FWW L-32 in the discussion of wetlands.
 - The first sentence on page 16 states that, "The NYSDEC also regulates Wetland and Wetland A." Wetlands D, E and F should be added to this sentence as they are all part of FWW L-32.

The following comments refer to the drawings:

1. SP-1 Overall Site Plan: Please clarify whether vegetation clearing is proposed for the 20' wide proposed bridle/walking trail easement. All manure collected should be stockpiled and /or spread 100 feet or greater from any wetland boundary. It is suggested that the location of the proposed bridle/walking trail be moved further from existing wetland boundary to reduce potential impacts.
2. SP-2 Revised Layout & Landscape Plan:
 - The landscaping plan should show where the various plant species will be placed in order to determine if the plants placed closest to the wetland are potentially invasive. It is recommended that species that can become invasive (notably Carolina Silverbell and Daylily) if planted near wetlands, watercourses or natural areas, be located where they are unlikely to become established off-site, preferably within tended beds located as far away from the Conservation Easement areas as possible.
 - Redbud is proposed for the Wetland Buffer Enhancement Plant List. It should be noted that Redbud does not naturally occur further north than southern Pennsylvania and New Jersey along the east coast and is known to escape cultivation in some parts of New York. It is recommended that other native species such as Flowering Dogwood or Shadblow Serviceberry be considered for this location to replace Redbud.
 - The plans do not indicate whether existing trees in the Wetland Enhancement area will be removed. The applicant should clarify this and review plant selections to make sure they will perform well in post-construction light conditions
 - Buffer Enhancement Note 10 recommends seeding at a rate of 15 lbs/acre; however, current NYSDEC Stormwater Guidelines recommends a rate of approximately 30 lbs/acre during the normal growing season. The General Site Seeding Notes indicate the use of 100 lbs/acre of Lawn Seed Mix or 15 lbs/acre of Meadow Mix plus 30 lbs/acre of Oats or Cereal Rye. It is recommended that the

Wetland Buffer and all areas to be seeded with Meadow Mix use a mixture of 10 lbs./acre of Annual Ryegrass (either *Lolium perenne* ssp. *multiflorum* or *Secale cereale*) plus 20 lbs./acre of the approved native seed mix for each type of area.

- The Wildflower Meadow Seed Mix listed in General Site Seeding Note 3B includes several species that are not native to New York. It is recommended that a mixture be found that only contains species native to New York. Some acceptable mixtures available from Ernst Conservation Seeds include: ERNMX-153 Showy Northeast Native Wildflower and Grass Mix, ERNMX-111 Native Habitat for Strip Mines Mix, ERNMX-181 Native Steep Slope Mix with Annual Ryegrass, ERNMX-154 Flood Plain Mix, ERNMX-178 Riparian Buffer Mix, ERNMX-140 Partially Shaded Roadside Mix.
- General Site Seeding Note 5 recommends mowing the Wildflower Meadow Mix to a height of 6-8” during the first year if “undesirable vegetation gets to 15-18” high” to reduce competition from weeds. It is recommended that the applicant consider mowing off these areas between mid-October and late March once per year for the first 3 years and following up with weed control, as needed.

3. SP-5 Revised Overall Phasing Plan:

- It is recommended that areas to be later seeded with a native grass or meadow mix be seeded with Annual Ryegrass to avoid interference with establishment of permanent native cover.
- The seed mix provided in Erosion & Sediment Control Note 11 (misabeled as a second Note 10 on the drawing) is the same as the Lawn Mix in General Site Seeding Note 3A on drawing SP-2. It is recommended that this mix not be used in any of the areas scheduled for a Meadow Mix either as a temporary stabilization or in addition to the Meadow Mix as it will interfere with establishment of native cover. To avoid confusion, it is recommended that this note either be modified to include both mixes or changed to simply refer to the seed mixes on drawing SP-2.
- The Typical (FAC/FACU) Rain Garden List contains two non-native species—Virginia Spiderwort (*Tradescantia virginiana*) and Dense Gayfeather (*Liatris spicata*). It is recommended that these be replaced with native species. Some species to consider are Marsh Blazing Star (*Liatris scariosa*), Wild Bergamot (*Monarda fistulosa*), Golden Alexanders (*Zizia aurea*), Blue Wood Aster (*Symphyotrichum cordifolium*), and/or White Wood Aster (*Eurybia divaricata*).

4. D-2 Revised Site Details: The wood chip path detail indicates that the path will be filled to a depth of 4” of wood chips. The plans should show the location of the proposed wood chip path. It should be noted that the placement of wood chips is considered fill and should not be brought into the limits of a wetland and be used in minimal amounts within the buffer area.

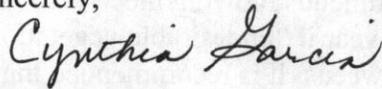
5. D-4 Revised Site Details: The Stormwater Basin Planting Legend lists several seed mixes that contain non-native grasses, such as Creeping Red Fescue and Redtop. As long as these species comprise less than 10% of the mix and/or are contained within the basin structure, they should not present an invasive issue to nearby wetlands and natural areas. It is recommended that the applicant check with Ernst Conservation Seeds, Inc. and New

England Wetland Plants to determine seed mix percentages and modify seed mixes, as necessary.

DEP is available for further consultation on the matters raised in this letter and requests to be involved in the SEQRA process as an Involved Agency. Please notify me of any public meetings regarding this project so that DEP may participate fully in the process.

Thank you for the opportunity to provide comments. You may reach me at cgarcia@dep.nyc.gov or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia
SEQRA Coordination Section

X: D. Whitehead, NYSDEC – Region 3