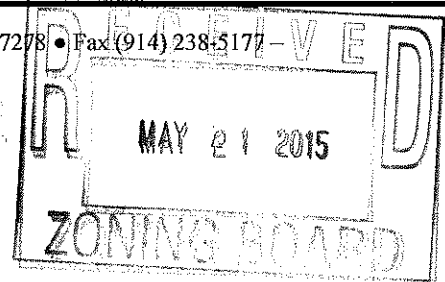




# TOWN OF NEW CASTLE

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Stephen W. Coleman  
Environmental Coordinator



## MEMORANDUM

To: Sabrina Hull, Town Planner  
From: Stephen W. Coleman, Environmental Coordinator  
Date: May 18, 2015  
Re: **Sunshine Children's Home, 15 Spring Valley – Environmental Review**  
cc: B.Maskiell, L.Anderson, R. Cioli

### Materials Reviewed:

Sunshine Children's Home and Rehab Center Improvements – Site Plans, Planning Report and EAF, dated March 2015, as prepared by VHB Engineering, Surveying and Landscape Architecture, P.C.

Based upon field review of existing conditions and review of the proposed site plans, I offer the following comments:

### Wetlands

1. Based upon a site inspection on 04-02-15, the wetlands as flagged by the applicant's wetlands consultant, are in compliance with the criteria outlined in Chapter 137 for delineation of wetlands. The wetlands located on the property consist of a remnant forested/emergent wetland that extends on both sides of the existing entrance via an existing culvert and runs parallel to Spring Valley Road (labeled wetland A), plus a man-made pond with a liner located east of the main Sunshine building (labeled wetland B).
2. The subject property is located within the Town's Environmental Protection District (Chapter 64 of the Zoning Code) which includes a 150 foot wetland buffer. None of the wetland areas are large enough to be regulated by NYSDEC. Wetland A may be regulated by the USACOE. However, the proposed improvements will be located within the wetland buffer only. No direct wetland impact is associated with the approved plans. Therefore, it is my recommendation that a jurisdictional determination from USACOE is not required, as they only regulate direct disturbance to wetlands.

3. The applicant has prepared a wetlands functional assessment report as required by Chapter 64. The findings outlined within the wetlands functional assessment is consistent with existing field conditions. Wetland A consists of a highly disturbed and degraded wetland that is dominated by phragmites grass. The proximity of the wetlands parallel to Spring Valley Road limits the attractiveness of these wetland areas for use by resident wildlife species. The principal function of this depressional wetland appears to be storm and flood water storage and modification of water quality. Wetland B (man-made pond) the principal function provided by the pond is storm and floodwater storage.
4. The proposed building expansion will not result in any direct wetland impacts. Disturbance is restricted to the wetland buffer. For Wetland A, a total of 27,249 square feet of wetland buffer will be encroached upon as a result of widening the existing driveway and proposed stormwater improvements that will be located within the buffer area. For Wetland B, the artificial pond is immediately adjacent to the existing building, road networks and other infrastructure. The pond was constructed adjacent to the existing building. The artificial pond as per Chapter 137 requires a wetland buffer of 150 feet. This results in a total buffer disturbance of 58,953 square feet for the proposed building expansion. Although, Wetland B is regulated by Chapter 137, it consists of an entirely artificial pond and has minimal functional wetland value.
5. Chapter 64, requires a 2:1 ratio of wetland mitigation within the Environmental Overlay District. To meet this ratio, for Wetland A, the applicant has proposed to mitigate 54,498 square feet of wetland buffer area. No mitigation has been proposed for the buffer disturbance associated with the artificial pond. Due to the nature of Wetland B, it is my recommendation that mitigation of the wetland buffer to Wetland B is not necessary or required.
6. The applicant has proposed a wetland mitigation plan that attempts to restore the vegetative structure of the existing wetland on the western side of the entrance. The mitigation plan will involve removal of invasive species and re-planting with native trees, shrubs and ground covers. The document provides a conceptual description of the mitigation process and re-planting, but more specific details are required in order to evaluate the proposed wetlands restoration plan. Specifically:
  - A detailed invasive management plan should be prepared that provides removal methods, treatment measures, how the site will be prepared for re-planting, etc.
  - A detailed planting plan should be prepared that provides species, quantities, sizes and planting details.
  - Planting plan should incorporate temporary deer fencing during the monitoring period to allow plants to become successfully adapted and established.
  - The applicant should prepare a 5-year wetland monitoring and maintenance plan that follows the Town's recommended guidelines.

- A 5-year maintenance bond shall be required for the mitigation plantings. The applicant's wetlands consultant should prepare a cost estimate of the plant materials, site preparations and labor. The maintenance bond would be for 25% of the cost of plant materials and labor.

### Summary

The proposed encroachments within the wetland buffer are minimal and will not result in any significant wetland impacts. A wetland functional assessment has been completed and a wetland mitigation plan has been presented that will restore and enhance any functional impacts that may occur from the minor improvements to the entrance and construction of stormwater practices.

### Tree Removals

1. The applicant will need to submit a tree permit application and pay the appropriate tree removal fees based upon the total number of trees to be removed. As per Chapter 121, all trees that are considered fair or better condition are subject to tree replacement.
2. As per the Arborist's Report submitted as part of the documents, it appears that a total of 266 trees are located within the project limit of disturbance. Of the 266 trees, 210 trees are considered fair condition or better and would be subject to compliance with Chapter 121-6 A (4). Of the 210 trees, a total of 119 trees would be removed and therefore subject to tree replacement. As per this section, 50% of the total diameter is required to be replaced with new trees. The trees can be replaced anywhere on the subject parcel. The minimum tree caliper size for replacement is 2.5 inches per tree. For evergreen trees, the minimum size is 8-10 feet to meet the caliper requirement.
3. The applicant should provide a site plan that clearly shows the location of trees to be removed and tree protection measures for trees that will remain. An analysis should be provided on what measures have been taken to minimize the amount of trees to be removed, and whether any site plan changes would reduce the number of trees proposed to be removed.
4. Based upon the proposed 119 trees to be removed, this represents a total of 1884.0 caliper inches to be removed. Based upon Chapter 121-6, this would require 50% replacement, for a total replacement diameter of 942.0 caliper inches. This represents a total of 377 trees to be replaced on site. (the report uses a replacement size of 2.0 inch caliper, which would require 471 trees, which is higher than what is required).
5. A tree replacement plan should be prepared that shows the location, species, and size of proposed new trees that will be planted to comply with Chapter 121. Regarding tree replacement, the Board recommends the use of native species and any tree replacement should consist of a diverse mix of species to promote diversity of tree species.

6. The applicant may want to consider taking advantage of the Town's Tree Bank Fund to help meet the required tree replacement of 377 trees on the property. The Tree Bank Fund is set up as a fund that is used to maintain Town trees and re-plant trees within Town right of ways, parks and preserves and other public areas. The Town defines a tree as a minimum of 2.5 inch caliper at a value of \$ 175.00 per tree, plus 10% for maintenance.
7. The tree replacement plan shall show the location of the proposed replacement trees, include species and size and indicate how much of the required tree replacement will be completed on site and how much will be required to be contributed towards the Town's Tree Bank Fund.
8. As per Chapter 121-9, a five-year maintenance bond shall be established for the tree replacement plantings. The maintenance bond shall be for 25% of the total cost of trees and labor to install the replacement trees.

This completes my preliminary review of the proposed plans and application materials. Please contact me if you have any questions or require further information.