



TOWN OF NEW CASTLE

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Stephen W. Coleman
Environmental Coordinator

MEMORANDUM

To: Town of New Castle Planning Board
Sabrina Hull, Director of Planning
From: Stephen W. Coleman, Environmental Coordinator
Date: June 2, 2019
Re: **Homeland Towers, LLC, Barnes Lane, tax map # 91.8-2-2.1 & 2.2 -
Environmental Review**
cc: R. Cioli, J. Friend

Materials Reviewed:

- Set of Plans for the Homeland Towers, LLC, Wireless Communications Facility, Millwood, dated last revised 05-10-19, as prepared by S.Chase, P.E.
- Cover Letter from Snyder & Synder, dated 03-25-19.
- Cover Letter from Snyder & Synder, dated 05-13-19.
- Tree Removal Permit Application dated 11-11-18.
- Wetland Permit Application dated received 11-13-18.
- Wetland Delineation Report, submitted by Ecological Solutions, LLC, dated 03-25-19.
- Memo from APT Engineering, dated last revised 05-10-19.
- Visual Resource Assessment, prepared by Saratoga Associates, dated last revised 05-07-19.
- Stormwater Management Report, prepared by APT Engineering, dated last revised 03-2019.
- Report from Walter A. Cooper, dated last revised 04-09-19.
- Full Environmental Assessment Form, dated last revised 05-10-19.

I have completed a review of the latest revised site plans and reports submitted and the information as submitted was found to be incomplete and additional information is still required. I offer the following additional comments in bold italic text:

Wetlands:

1. The respective wetlands located within the subject project area consist of both local and state designated wetlands. The information provided regarding wetlands is considered incomplete. The Site Plans should be revised to include the following information:
 - a. A wetlands delineation report should be submitted by the applicant's wetlands consultant.
 - Wetlands report submitted and follows criteria outlined in Chapter 137.
 - b. The Site Plan should be revised to include the surveyed wetland boundary and the corresponding regulated wetland buffer. The wetlands boundary should identify the NYSDEC wetland boundary and the local wetland boundary. All wetland areas in close proximity to the proposed action and the 100- foot wetland buffer line should be shown on the Site Plan.
 - The site plans should clearly label the wetland line and the 100ft. wetland buffer as both the NYSDEC and local wetland boundary.
 - ***The wetland boundary and wetland buffer locations have been revised on drawings SP-1, SP-2 and W-1. Item adequately addressed.***
 - c. The Site Plan should include a NYSDEC Validation Block, indicating that NYSDEC has signed off on the wetland delineation.
 - As requested, the validation block has been added to the site plan.
 - d. The respective wetlands boundary located on the Site Plan should include individual flag numbers and the 100-foot wetland buffer/adjacent area clearly labelled and shown on the site plan.
 - See comment above.
 - ***The wetlands flag numbers have been updated and the 100 ft. wetland buffer/adjacent area clearing identified.***
 - e. The square footage of proposed wetland buffer disturbance should be calculated and shown within the SEQR documents as well as on the Site Plan.
 - The Wetland Plan shows an approximate disturbance of 7,900 square feet of wetland buffer disturbance. It is unclear whether this includes just the building footprint or also includes all of the

disturbance that will occur within the regulated wetland buffer (site grading and location of stormwater practices, tree removals).

- ***The area of permanent disturbance within the wetland buffer has been clarified as 7,900 sq.ft.***

f. As per Chapter 137, a wetland buffer mitigation plan would be required for any proposed disturbance within regulated wetland areas.

- ***This has not been addressed.***
- ***Once the applicant has clarified the total amount of disturbance, the applicant will be required to submit a wetland buffer mitigation plan at a ratio of 1.5 to 1.0 for buffer disturbance.***
- It would appear that some of the disturbance within the wetland buffer could be reduced due to proposed grading activities. Alternatives including the use of retaining walls should be considered and presented on an alternative site plan.
 - ***An alternative plan that utilizes retaining walls has not been shown clearly on the site plan as an option. This should be submitted for the PB's review.***
 - Based upon existing conditions that are present within the subject parcel, the remaining wetlands buffer and adjacent wetlands are fairly intact and consist of a fairly dense tree canopy. Mitigation within the existing parcel may be difficult to achieve.
- In similar circumstances (for example, Millwood Con Ed Substation Project and the Millwood Firehouse), the ability to perform wetland mitigation was limited, and the respective mitigation measures were applied off-site within the immediate area. It is my recommendation that the required wetland mitigation be applied off-site at Gedney Park, where the additional mitigation measures would be more effective at improving impaired wetland areas, and that provide a direct benefit to visitors and the long-term sustainability of the wetland resources. Some potential applications would include the following pond management initiatives (additional aeration, buffer plantings, partial dredging of pond edges, drainage improvements for water quality inlets, and chemical treatment of the pond to manage excess nutrients).

- ***The applicant has indicated that they would support performing wetland mitigation off-site at Gedney Park. The specific details will need to be prepared which includes calculating the appropriate square footage fee estimates and the type of projects that would be proposed to be implemented to satisfy the wetland buffer mitigation ratio replacement requirements (a meeting with the Environmental Coordinator and the Superintendent of Recreation is recommended).***
 - ***If a site plan is required for proposed improvements, it is recommended that the applicant be responsible for providing the requisite plans for implementation in addition to paying for the planned improvements (as per the buffer mitigation ratio fees to be determined).***
- g. The applicant should address whether impacts proposed within the wetland buffer can be avoided or minimized.
- See comment above, has not been adequately addressed.
 - The applicant should provide a background of other alternative locations that were reviewed and discarded. For example, the original location would have impacted a substantial vernal pool habitat on the top of the plateau. The proposed location was rejected by the Town due to the quality of the wetland resource present within this area.
 - ***The applicant has provided background information of alternative sites studied as part of this project.***
- h. A five year wetland buffer monitoring and maintenance plan should be submitted and follow recommended Town protocols. A 25% maintenance bond will also need to be established for the required mitigation measures.
- Depending upon the wetland buffer mitigation strategy, this may need to be applied to an off-site location.

Trees:

The Site Plan proposes the removal of approximately 47 trees for the access drive and the tower pad area. The Tree Removal Plan and application is currently considered incomplete. The following additional information is required:

- The application has been revised to now show 43 trees to be removed.

- ***The application has been revised and now shows a total of 44 trees to be removed. The tree permit application should be amended to reflect final proposed removals.***
- a. The Tree Inventory Table should add the missing information for trees identified as numbers 151-154.
 - Still incomplete
 - ***The Tree Inventory table has been updated on drawing SP-5 as requested.***
- b. As per the proposed Site Plan, it appears that several trees could be saved with proper tree protection measures. For example, tree numbers 119, 121, 122, 123, 126, 127, 128, 134, 135, 136, 138, 142, 145, 147, and 151-154.
 - Still not addressed. The majority of these trees could be saved with modifications to the access driveway and also the proposed grading. Alternative tree protection measures as well as slight modifications to the access and footprint could assist with preservation of these trees.
 - ***The issue of preserving more existing trees by implementing site plan changes has been discussed but is lacking site specific details on how or whether this could be accomplished. The plans should show these trees identified above and the reasons why more of these trees could not be protected with the use of various tree protection measures.***
- c. As per Chapter 121-6, A Tree Replacement Plan is required for all trees in fair condition or better. The applicant should submit the tree replacement plan as per the details required in 121-6 (A-J).
 - The applicant has not addressed the requirement to submit a tree replacement plan. They have stated that the existing tree cover consists of mature trees and that no additional tree replacement is proposed. This approach is inconsistent with the requirements of Chapter 121.
 - The tree inventory should be completed and the amount of required tree replacement should be provided based upon Chapter 121-6 (A-J).

- ***As per the inventory table, the total diameter subject to replacement is 635 diameter inches. Based upon the code, this would amount to a required replacement of 86 trees.***
 - Review of the trees and diameters proposed to be removed, the applicant would be required to add 94 new trees to meet the tree replacement criteria.
 - Review of the existing conditions that are present at the subject parcel, there exists a fairly dense tree canopy consisting of relatively mature trees. Given the site's topography as well, it may be problematic to add a lot of trees to the existing site. The applicant should explore what could be done to assist with screening the building footprint.
 - ***This request has not been responded to.***
 - The other available option to satisfy the tree replacement criteria, would be a donation to the Town's tree bank fund, which would require a donation of \$ 20,680.00 to meet the replacement criteria.
 - ***The applicant has indicated that they would apply the required tree replacement via a donation to the Town's Tree Bank Fund. The estimated amount would be \$ 19,780.00.***
 - ***Although not specified within Chapter 121, it is my suggestion, that if it is determined that the bulk of the tree replacement is via a donation to the Town's tree bank, that the donation be restricted to be used within the hamlet of Millwood.***
- d. The Site Plan should identify tree protection measures of any trees that are close to proposed limits of disturbance and that will potentially be impacted during construction. Tree protection measures should be shown for each of the existing trees.
- ***The applicant has now shown tree protection measures for trees to be saved that are within close proximity to the limit of disturbance.***
- e. As part of Site Plan approval, the applicant will be required to post a five-year maintenance and monitoring plan, plus a maintenance bond 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 requirement of Chapter 121 may need to be modified pending the tree replacement strategy implemented.

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