

March 31, 2025

Carolyn Stevens, Chair and Members of the Planning/Architectural Review Board
Town of Ossining
John-Paul Rodrigues Operations Center
101 Route 9A - P.O. Box 1166
Ossining, NY 10562

**Re: 94 Somerstown Road Property
94 Somerstown Road (NY Route 133)
Ossining, NY 10562**

Application for Subdivision, Site Plan, Wetlands Permit, Steep Slope Permit

Hon. Carolyn Stevens and Members of the Planning/Architectural Review Board:

I am pleased to submit the following revised plans and documents in support of this application for subdivision approval, site plan approval, steep slope permit, and a wetland permit for the subdivision of the above-noted property.

<u>Dwg. No.</u>	<u>Drawing Title</u>	<u>Rev. Date</u>
C-101	Layout / Subdivision Plan	03/28/2025
C-102	Grading and Utilities Plan	03/28/2025
C-103	Erosion and Sediment Control Plan	03/28/2025
C-104	Tree Preservation/Tree Removal Plan	03/28/2025
C-105	Tree Preservation/Tree Removal List	03/28/2025
C-106	Landscape / Tree Planting Plan	03/28/2025
C-107	Steep Slopes Plan	03/28/2025
C-111	Driveway Profile	01/31/2025
C-112	Construction Details	01/31/2025
C-113	Construction Details	03/28/2025

Also submitted are the following:

- Drawing S100.0 "Overall Property and Vicinity", dated 02/29/2025.
- Landscape Maintenance Plan, dated 03/28/2025.
- Tree Inventory Report, prepared by Michal J. Nowak, Arborist, dated 03/03/2025.
- Short Environmental Assessment Form, dated 03/28/2025.
- Letter to Planning Board from Mary Coleman, dated 03/27/2025.

Changes to the Site Plans include the following:

Drawing C-101:

A 1-foot wide stabilized gravel shoulder has been added to both sides of the common driveway giving it a total width of 20 feet, as requested by the Fire Department.

A 36-foot wide turnaround space has been added to the plans in the northeast corner of the property as requested by the Fire Department.

The length of the back-up space at the end of the common driveway has been lengthened to just over 45 feet, as requested by the Fire Department.

Drawing C-102:

Grading has been adjusted to accommodate the 36 foot length turnaround space at Station 3+55 and at the end of the common driveway.

Drawing C-103:

Two lines of silt fence are now depicted to the west (downgradient) of the low retaining wall at the stormwater management basin.

Adjustments have been made to the location of inlet protection and silt fences as per the driveway modifications described above with regard to C-101.

Trees to be removed which are dead, in poor condition or are hazardous based on the arborist review are identified on the plan with a blue color X. Trees in good or fair condition to be removed are marked with a red X.

Drawing C-104:

Tree removals now also differentiate which individual trees are dead, or in a poor condition or hazardous, or are invasive, based on the arborist review are identified on the plan.

Drawing C-105.1 and C-105.2:

Plant list now includes the botanical name of the trees inventoried and assessed by the arborist. In addition, the list now includes which individual trees are dead, or in a poor or hazardous condition, or are invasive plants.

The total number of regulated trees to be removed which are in good or fair condition is 78. The number excludes the trees that were noted as being dead, invasive, or in poor or hazardous condition.

The aggregate diameter of the trees to be removed (that are in good or fair condition as noted above) is 1,021 caliper inches.

Drawing C-106:

The landscape plan has been modified based on the results of the tree inventory and the comments of the Planning Board.

A total of 36 trees are proposed to be planted outside of the wetland buffer.
An additional 14 trees are proposed to be planted in the wetland buffer.

Drawing C-107:

The impacts to slopes have been slightly modified based on the revised limit of disturbance line from the layout changes requested by the Fire Department.

The following responds to the comments received at the last meeting of the Planning Board which was held on February 19, 2025. Each of the comments is repeated in italics, with the response appearing below the comment.

Wetlands-

1. The Topography of the 94 Somerstown property and the adjacent New Castle property should be analyzed to determine if the proposed driveway will block water from coming into the wetland.

Response: Based on the topographical information from the Westchester County GIS (see drawing S100.0) and from our own visual observation, the runoff from the property to the north is conveyed toward Route 133 as well as through the property in a northerly direction and NOT toward the subject property. The driveway therefore will have no impact on drainage of the property to the north and will not block the flow of water on the property.

2. It should be noted that the date of observation would not have been conducive to finding very many ground cover/ native perennial or annual plant species, or any vernal pools which are protected by our Wetland Protection code. And have the potential to be classified as "Wetlands of Unusual Importance" by the DEC.

Response: The soil scientist and applicant's engineer were on the property on March 22 specifically to review the condition in the wetland. The soil scientist letter regarding her observations are attached. Our conclusion is that the wetland and its buffer are very sparse with regard to its understory and herbaceous vegetation. We also reviewed the three temporarily ponded areas in detail and found no evidence that the wetland is a vernal pool. We suspect that the depth of ponded water is so shallow that the hydroperiod is too short to serve as a vernal pool. We walked both sides of the shoreline of the ponded areas in close proximity and did not observe egg casings of fairy shrimp or salamanders, which are the typical indicators of a vernal pool.

3. Westchester County memo: Sufficient mitigation measures should be performed to mitigate the disturbance to the wetland buffer. This area is one of two listed forests in the Town of Ossining. Existing trees should be preserved as much as possible. Species of trees to be removed should be replaced to mitigate wildlife habitat losses.

Response: As noted by the project wetland scientist, the wetland does support a tree canopy but has sparse shrub layer and groundcover.

The only impacts to the wetland buffer will take place in the northernmost portion of the property at the location of the driveway crossing into the property and for the construction of a stormwater management practice to serve the subdivision. The primary function of this wetland is to protect water resources by providing a water surface source during parts of the year; recharging the underlying fractured bedrock aquifer; controlling flooding and stormwater runoff by retention; and during times of surface water (as in fall to spring) providing a basin for chemical and biological oxidation as well as settling basin for sedimentation.

Below is a list of the existing trees to be removed from the wetland buffer for the construction of the driveway and for stormwater management purposes:

LIST OF TREES TO BE REMOVED FROM WETLAND BUFFER

Number	DBH	Common Name	Botanical Name	Condition	Status
E-1	8	Norway Maple	Acer platanoides	Fair	invasive
E-2	4	Norway Maple	Acer platanoides	Fair	invasive
E-3	4	Norway Maple	Acer platanoides	Poor	invasive
E-4	16	Norway Maple	Acer platanoides	Fair	invasive
E-5	14	Norway Maple	Acer platanoides	Fair	invasive
E-6	10	Norway Maple	Acer platanoides	Fair	invasive
E-7	12	Sugar Maple	Acer saccharum	Good	x
E-8	12	Norway Maple	Acer platanoides	Fair	invasive
E-9	12	Norway Maple	Acer platanoides	Fair - Poor	invasive
E-9A	8	Sugar Maple	Acer saccharum		x
E-10	20	White Ash	Fraxinus americana	Dead	dead
E-11	12	Norway Maple	Acer platanoides	Fair	invasive
E-12	10	Sugar Maple	Acer saccharum	Good - Fair	x
E-13	16	White Ash	Fraxinus americana	Dead	dead
3-1	14	White Ash	Fraxinus americana	Dead	dead
3-2	6	Sugar Maple	Acer saccharum	Poor	condition
3-3	14	Sugar Maple	Acer saccharum	Fair	x
3-4	10	Norway Maple	Acer platanoides	Fair	invasive
3-5	18	White Ash	Fraxinus americana	Dead	dead
3-6	10	Sugar Maple	Acer saccharum	Poor	condition
3-6A	24	Norway Maple	Acer platanoides	Hazard	condition
3-49	12	American Elm	Ulmus americana	Hazard	condition
3-50	28	Norway Maple	Acer platanoides	Good-Fair	invasive

Number	DBH	Common Name	Botanical Name	Condition	Status
3-56A	31	Black Locust	Robinia pseudoacacia	Hazard	Condition
3-70	8	Sugar Maple	Acer saccharum	Poor	condition
3-71	14	Norway Maple	Acer platanoides	Fair	invasive
3-72	18	Norway Maple	Acer platanoides	Fair	invasive
3-73	20	White Ash	Fraxinus americana	Hazard	condition
3-74	16	Norway Maple	Acer platanoides	Good	invasive
3-75	10	Norway Maple	Acer platanoides	Fair-poor	invasive
3-75A	18	White Ash	Fraxinus americana	Hazard	condition

x = tree in fair to good condition to be removed

condition means the tree is either in poor health or is hazardous and will be removed

Of the 31 trees to be removed from the wetland buffer, only 4 are in good or fair condition. Eight of the trees were noted by the arborist to be poor or hazardous condition, four trees were dead, and 15 were invasive (Norway Maple). The four trees that were in good or fair condition were all Sugar Maples. The removal of these trees from the northern portion of the wetland buffer, given the species of the trees and their condition, will likely have a low to minimal impact on the wetland buffer.

The planting plan for the area within the wetland buffer to be disturbed by project construction will provide a diverse plant mix consisting of: 11 overstory/canopy trees (Red Maple, American Hornbeam, Swamp White Oak and Red Oak) and 12 understory trees (Witch Hazel and Elderberry), as well as 59 shrubs. This mix is far more diverse than what presently exists in the area to be disturbed.

In addition, based on our review of the early spring conditions in the wetland and wetland buffer, the landscape plan has been amended to include plantings of native shrubs and herbaceous species in a part of the wetland which is quite barren of these plants (see drawing C-106). The planting will greatly increase the diversity of the wetland and will provide a significant habitat for birds and amphibians which may reside in the wetland.

4. Please provide the missing information as noted in the Nelson Pope and Voorhis memo dated 2/14/25.

- a. A discussion of the existing specific ecological functions of the wetland being affected, based on the functions described in § 105-1(C) , and the impacts to those functions by the proposed activity.*

Response: As noted by Mary Coleman, the project wetlands delineator and soil scientist, “[T]he primary function of this wetland is to protect water resources. The wetland recharges the underlying fractured bedrock aquifer; controls flooding and stormwater runoff by retention; and

during times of surface water ponding, late fall into early spring, provides a basin for chemical and biological oxidation as well as a settling basin for sedimentation.”

“The other functions that depend on a diverse and abundant vegetative cover are weak to missing. The functions include providing recreation uses; providing breeding and spawning grounds, nursery habitat and food for various species of fish, providing unique nesting, migratory and wintering habitats for diverse wildlife species; providing areas of unusually high plant productivity, which support significant wildlife diversity and abundance.”

- b. The exact locations, specifications and amount of all proposed draining, filling, grading, dredging and vegetation removal or displacement, and the procedures to be used to do the work.*

Response: As noted previously, the locations of the proposed disturbance in the wetland buffer – there are no direct wetland impacts – may be referenced on drawing C-102 and C-103. These drawings depict the proposed grading in the wetland buffer, which includes excavation into the soil to create the proposed stormwater management practice. No filling or dredging of the wetland is proposed.

The regulated wetland covers 34,482 square feet of the western portion of the property. The southernmost portions of the wetland have been impacted by the neighboring property to the south. These impacts include the placement of woody debris and brush in the wetland and wetland buffer. The brush and debris impedes the natural flow of water from the wetland.

The wetland buffer encompasses a total of 60,760 square feet of the property. The area of disturbance of the wetland buffer covers 10,976 square feet. The area of disturbance is located in the northwestern portion of the property and the northern extent of the wetland buffer.

The disturbance to the wetland buffer involves grading to create a stormwater management basin to manage the runoff from the proposed developed portion of the property. The calculations using the Volume Dashboard (of AutoCAD Civil 3D) indicates that there would be 8,733 c.y. of excavation, 1,448 c.y. of fill for a net excess of soil of 7,275 c.y. of material. The excess material will be placed on the property as fill under the driveway. The excavation of the soil material to create the stormwater management basin will be done by a backhoe. Soil material removed to create the stormwater management basin will be temporarily stockpiled adjacent to the proposed common driveway and then removed and used as fill under the driveway.

There is no dredging that is proposed either in the wetland or the wetland buffer.

The removal of vegetation within the wetland buffer area – no vegetation is proposed to be removed from the wetland – is described above in detail.

- c. Details of any temporary or permanent drainage system proposed both for the conduct of the work and after completion thereof, including locations at any point discharges,*

artificial inlets or other man-made conveyances which would discharge into the wetland or wetland buffer, and measures proposed to control erosion, flooding and water pollution both during and after the work.

Response: A permanent drainage system is proposed within the wetland buffer as depicted on drawing C-102. The drainage system consists of: (i) four catch basins within the common driveway to collect runoff from the driveway; (ii) 150 lineal feet of 12" diameter storm drainage pipes to convey runoff from the development to the stormwater management basin; (iii) a 97-foot long x 2.5-foot wide stone retaining wall with a height of up to 4 feet to form the western boundary of the stormwater management basin; (iv) a 3' x 3' outlet control structure to regulate the flow from the stormwater management basin; and (v) a flow (level) spreader to ensure that the discharge from the basin is conveyed as sheet flow so as to be non-erosive. A temporary riser will be installed in the outlet pipe from the stormwater management basin during construction to limit potential sediment from being conveyed to the wetland buffer and wetland.

A detailed erosion and sediment control plan has been developed to manage sediment and prevent erosion. The plan includes: (i) the installation of two parallel rows of silt fence downgradient of the stormwater management basin and between the basin and the wetland; (ii) additional rows of silt fence between the house on Lot 3 and the stormwater management basin; (iii) the aforementioned temporary riser in the outlet from the stormwater management basin; (iv) energy dissipators at the discharge point of the storm drainage pipe into the stormwater management basin. Other erosion and sediment control measures shown on drawing C-103 include inlet protection at all catch basins, water bars along the driveway, and construction fencing to protect areas of the property not to be disturbed, and soil stockpiling.

- d. *Per 105-10(B) the Planning Board shall require the preparation of a mitigation plan which shall specify mitigation measures that replace and/or restore, to the greatest extent reasonably practical, the functions of the original wetland and/or buffer area in terms of type, ecological benefits, geographic location and setting, and size. Please provide one.*

Response: Drawing C-106 shows the proposed mitigation plan to replace and/or restore, to the greatest extent reasonably practical, the functions of the original wetland and/or buffer area. In addition to the planting of the area of the micropool extended detention basin, which as noted above will remove mainly trees that are either invasive and/or are in poor or hazardous condition, an area of planted mitigation is also proposed in an area that was essentially barren of typical wetland and buffer species that one usually expects to see. The mitigation area proposes the planting of 20 native shrubs and 504 wetland herbaceous plants in an area that is roughly 100' x 120'.

Trees

1. *Trees and plants will have to be watered until established, weekly the first year, and during dry periods for the next 5 years. Rain garden plantings must be watered during dry periods until*

the plants are established. The deer protection must be monitored, vines and invasive plants removed, and the health of the trees needs to be monitored and maintained.

Response: The applicant will perform the watering of the plantings for the first two years following the installation of the plant materials. Thereafter, it will be the responsibility of the individual homeowner to maintain the plantings.

With regard to invasive species, those which are growing on trees to be removed will correspondingly be removed by the applicants. The applicants may also clear invasive species as a part of general lot clean up. Once the lots are sold, it is the homeowner that can choose to manage the invasive species on their property.

2. A Landscape Maintenance Plan, and a Deer Protection Plan must be submitted.

Response: A Landscape Maintenance Plan is attached to this letter. The landscape plan has been updated to include deer fencing to be installed to protect plantings with the mitigation area in the wetland buffer. Please note that elsewhere on the plan, the crown of the trees to be installed will be above the browse height of the deer and would be minimally impacted.

3. How will the siltation of the Rain Gardens and Stormwater Management Detention Basin be remediated? And by whom?

Response: Rain gardens on the lots will have minimal sediment since the majority of the runoff is from roofs. Sediment that is conveyed into the stormwater management detention basin and rain garden to the south of the driveway will be handled by the homeowners collectively.

Rain garden maintenance is simple and involves the following: (i) Remove any sediment with a shovel if it has accumulated, (ii) Prune any damaged plants, (iii) Replace any plants that have died. (iv) Make sure the berm that forms the rain garden is stable without any gullies or rills. Fill in any gullies with soil and seed the bare ground to stabilize, and (v) Annually re-mulch to a depth of 3" of shredded hardwood bark mulch.

4. Road salts & oils, and lawn & landscape chemicals cannot go into the wetlands or Rain Gardens. The Stormwater Management Detention Basin which services an impervious driveway.

Response: Given that the common driveway is private, we would anticipate that the homeowners will hire a maintenance person with a pickup truck with a plow attachment who will move snow to the sides of the road. We do not expect that road salts will be used at all on the common driveway. As for lawn and landscape chemicals, we would hope that homeowners throughout the entire Town would use such landscape amendments in a responsible manner. In addition, the applicants are not planning to install lawns except where site grading on the lot is proposed as well as above the installed primary septic system.

5. In the current proposal, trees indicated to remain are in areas indicated to be soil stockpiles, septic fields, stormwater management rain gardens, the detention basin, the erosion control geotextile mat, and in very close proximity to the structures' footprint and driveway—too close to adequately protect the trees from construction impacts. All trees to be removed must be included in the list for removal and indicated as such on the Tree Preservation/Removal Plan (C-104).

Response: The list of trees to remain have been updated as per this comment as well as the assessment by the applicants' certified arborist.

6. All trees to be removed for lawns, irrigation systems and the "Limits of Construction Disturbance" must be included in the list for removal and indicated as such on the Tree Preservation/Removal Plan (C-104).

Response: The list of trees to be removed have been completely updated based a further review of the site plan and based on the recommendations and assessment of the applicant's arborist. As noted above, the applicants are not planning to install lawns except where site grading on the lot is proposed as well as above the installed primary septic system. The applicants are not planning on installing irrigation systems on the three lots.

7. An Invasive Plant removal plan should be required specifically for the vines.

Response: Invasive shrubs and vines on the property include some barberry shrubs, multi-flora rose shrubs, bittersweet vines, bush honeysuckle, and euonymus shrubs.

Invasive species which are growing on trees which will be removed for the development of the property (see drawing C-104 for the proposed trees to be removed) will be removed by the applicants. Once the lots are sold, it is the homeowner that can choose to manage the invasive species on the property.

8. A Planting plan that will have the potential for long term success must be submitted for this application.

Response: We believe that this amended application is realistic in terms of being successful in its implementation. The number of trees to be installed have been significantly amended (i.e., reduced) based on the assessment of the applicants' arborist and on the comments received from the Planning Board. With this change, we believe that the long term success of the proposed planting will occur.

*a. Recommended changes: Remove *Acer saccharum*, *Picea pungens*, or *Viburnum dentatum* and replace all three species.*

Response: These plants have been removed from the list of species to be installed.

b. Add more plant diversity in planting plan

Response: As noted above, it is our professional opinion that the amended planting plan is quite diverse in terms of the variety of species to be planted and is far more diverse than what is presently existing on the subject property.

9. Remove pools from site plan or if they are to be included those trees need to be added to the tree removal permit.

Response: Although the applicant has indicated that pools will not be constructed up front, the pools are included on the site plan.

10. Any plant substitutions or placements changes should be approved by a tree expert appointed by the town. (Note # 5)

Response: So noted. See note 3 on drawing C-106.

11. The Town's Tree Expert should review the tree removal and planting plans and should perform an onsite evaluation of the revised existing tree inventory.

Response: Please let us know when the Town's Tree Expert would be evaluating the property since we would like to have our certified arborist be present.

a. After a revised Existing Tree inventory is submitted, our Town's Tree Expert should perform an onsite verification of tree identifications, size and health. Both the "Area of Restrictive Covenant" and the area between the proposed road and the adjacent property should be assessed by a Tree Expert appointed by the Town to determine the potential for successful plantings amongst mature trees.

Response: So noted. We have also had the planting plan evaluated by the applicant's certified arborist for the potential for successful plantings.

b. A revised Existing Tree Inventory that conforms to our town's tree protection code specifications (183-10.A(7)) should be submitted. The scientific Latin names should be included. This should be reviewed by the Town's Tree Warden.

Response: So noted. The applicant's certified arborist has identified the trees within a broad area beyond the limits of disturbance and has provided the scientific names of the trees.

SEQR

1. The EAF should be updated before being submitted to the EAC.

Response: The Short Form EAF has been updated, as requested and is attached to this letter.

Utilities

1. Applicant should request a meeting with the Fire Department, Building Inspector, and Town Engineer to finalize the water and sewer connections, and fire access.

Response: A meeting was held on February 28th with the Fire Department, Building Inspector, and Town Engineer in which the width of the common driveway for fire access and water availability were reviewed in detail. The plans were revised, as is noted above, based on the comments that we received.

With regard to fire protection, we are investigating three options in this regard.

Option 1: The Town of New Castle has a water main in Route 133 which provides potable water to the houses on Edgewood Road. The closest two fire hydrants to the property are the one located at 1 Edgewood Road; the second is on the west side of Somerstown Road along the frontage of the house at 105 Somerstown Road. We are looking at the feasibility of extending the water main and installing a hydrant between Edgewood Road and the Town line, but within the Town of New Castle. At present, the hydrant at 1 Edgewood Road is about 300 feet from the intersection of the common driveway to the subdivision with Somerstown Road. If the hydrant were to be installed in the Town of New Castle – we have begun discussions in this regard with the Town – the distance from this hydrant to the end of the common driveway would be about 690 feet, plus it would not necessitate crossing the road with fire hoses.

Option 2 is to install three 10,000 gallon underground fire water storage tanks, one for each of the three lots. The tank would be equipped with a connection for a fire hose.

Option 3 is to extend the water main northward in Somerstown Road to the property. This would require extending the water main for a distance of approximately 1,275 feet in the right-of-way of the State Highway from its existing terminus opposite the driveway to 65 Somerstown Road to the intersection of the common driveway with the street. The cost for such an extension is prohibitive, given that it would cost more than \$200,000. Given the length of such an extension, and that there would be numerous other houses along the route which would benefit, we feel that this latter option is something that the Town should bear the brunt of the cost of this public improvement.

We trust that the updated plans, reports and these responses have satisfied the comments of the Planning Board and the Town. If you have any questions regarding the attached drawings and forms, or require any additional information, please feel free to call me on my direct line at (475) 215-5343 or on my cell at (203) 710-0587.

Town of Ossining Planning Board
March 31, 2025
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Sincerely,

ALP ENGINEERING & LANDSCAPE ARCHITECTURE, PLLC

A handwritten signature in black ink, appearing to read 'Alan L. Pilch', is written over the company name.

Alan L. Pilch, PE, RLA
Principal

cc: Jennifer and Pascal Smith Couti (via email)