

May 12, 2025

Kelly Turturro, Regional Permit Administrator
NYSDEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1620

**RE: Joint Application for Permit
94 Somerstown Road Subdivision
94 Somerstown Road, Town of Ossining
Westchester County, New York**

Dear Ms. Turturro:

On behalf of the Applicants, Jennifer and Pascal Smith Couti, this letter and supporting documentation are being submitted in support of a Freshwater Wetlands Permit for the above-noted property for disturbance within the adjacent area of a freshwater wetland.

The following drawings are provided for the Department's review:

<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-105.1	Tree Preservation/Tree Removal List	03/28/2025
C-105.2	Tree Preservation/Tree Removal List	03/28/2025
C-106	Landscape / Tree Planting Plan	03/28/2025

Also submitted are the following:

- Site Photographs;
- Joint Application Form;
- Short Environmental Assessment Form;
- Wetland Delineation Report, dated 12/16/2024, prepared by Mary Coleman, Soil Scientist.
- Letter of Positive Jurisdiction – Freshwater Wetlands, dated 04/17/2025.
- Figure 1, Site Location Map.

Site Description and Project Summary:

The subject property is 281,282.6 square feet in size (6.457 acres) in size and is located on the east side of Somerstown Road. There is an existing wetland in the western portion of the property nearest to Somerstown Road. The wetland is 33,224 square feet in size on the subject property. The wetlands were delineated by Mary Coleman of Pfizer-Jahnig Environmental Consulting in December 2023.

The regulated wetlands on the property cover 34,520 square feet (12.3%) of the property. The 100-foot adjacent area covers 95,242 square feet of the lot. The proposed common driveway would impact the 100-foot adjacent area; there are no direct wetland impacts. Due to the wetland and 100-foot adjacent area extends across the entire frontage of the property, impacting the adjacent area is unavoidable in order to access the upland portion of the lot. The proposed driveway was sited specifically to avoid any direct impacts to the wetland and to minimize the impacts to the adjacent area.

As noted in the Wetland Delineation Report, the wetland occupies a depression parallel to the road. Runoff enters the wetland primarily from the slopes to the east. The wetland drains to the south. The off-site adjacent property to the south has been filled and graded, resulting in impeded flow to the south from the wetland. Wood debris, tree trunks and branches have been placed on the edge of the property with fill beyond. Portions of the wetland are ponded from late fall into early spring.

The vegetative community in the wetland is not diverse. The buffer supports mature Norway maples, Norway maple seedlings and saplings, winged euonymus, and occasional Japanese barberry, multiflora rose, garlic mustard, all invasive. The wetland supports occasional mature red maples and white oak. Please refer to the enclosed Wetland Delineation Report for detailed information on the wetland and delineation.

Project Summary: It is proposed to subdivide the property into three lots, as follows: Lot 1 is the northeastern-most lot and is proposed to be 87,758 s.f. (1.9917 acres in size) in size. Lot 2, in the southeastern portion of the property is to be 128,760.9 s.f. (2.9229 acres) in size. Lot 3 in the northern portion of the property is proposed to be 65,763.5 square feet (1.5097 acres) in size.

All of the proposed houses would be located outside of the 100-foot adjacent area. A portion of the walkway from the driveway to the house on Lot 3 to its front door would be located within the adjacent area; it would be 93 feet from the wetland at its closest point.

The proposed houses would be accessed via a common driveway which is proposed to be 20 feet in width. A 30-foot wide easement is proposed for the common driveway which would extend through Lot 3 and Lot 1 to provide access to all of the lots. The proposed driveway is 674 feet in length from its intersection with the edge of pavement of Somerstown Road to the end of the common driveway on Lot 1.

Each of the three lots would obtain its potable water from an on-site well and would treat its wastewater via an on-site wastewater treatment system (OWTS). The locations of the proposed wells and septic systems are depicted on drawing C-102.

Local and Other Agency Permitting Requirements

All of the wetlands on the property are regulated by the Town of Ossining, which regulates a 100' wetland buffer. The Planning Board of the Town has declared itself to be Lead Agency

with respect to the State Environmental Quality Review Act.

Since the project site lies *outside* of the New York City Water Supply Watershed, and the proposed land disturbance is under 1 acre, coverage under NYSDEC General Permit GP-0-20-001 will not be required.

State Environmental Quality Review (SEQR)

The Planning Board of the Town of Ossining has declared itself to be Lead Agency in its review of the subdivision.

Protected Species/ NYS Parks, Recreation and Historic Preservation

According to the DEC Environmental Resource Mapper,¹ there are no endangered or threatened species on within a few miles of the project site.

In addition, the OPRHP concluded in its letter dated January 30, 2025 that it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

Potential Impacts/Avoidance of Impacts of Proposed Activity

In addition to the proposed common driveway, the disturbance to the adjacent area involves grading to create a stormwater management basin to manage the runoff from the proposed developed portion of the property. There are reasons why impacts to the adjacent area are unavoidable for the construction of the extended detention stormwater management basin as noted below.

First, is the need to provide both water quality treatment for the entire driveway, as well as provide peak rate attenuation (water quantity controls) for the runoff from the developed property. With the driveway crossing through the adjacent area (albeit at its narrowest point), some disturbance within the wetland buffer for treating the runoff was inevitable. Second, the stormwater management plan design places most of the stormwater management practices outside of the 100-foot adjacent area to the maximum extent possible by locating these practices as close to the houses and common driveway as feasible. This helps to minimize the impacts within the adjacent area to the maximum extent.

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.

¹ <https://giservices.dec.ny.gov/gis/erm/>, accessed 05/01/2025

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.

To prevent the movement of sediment from the work area into the wetlands during construction activities, a comprehensive erosion and sediment control plan is proposed, which includes, but is not limited to, the installation of silt fencing is proposed between all work areas and the wetlands.

Mitigation of Impacts to Adjacent Area Proposed: 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 project's certified 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.

Please let me know if you have any questions or require additional information regarding this application. Thank you.

Sincerely,

ALP ENGINEERING & LANDSCAPE ARCHITECTURE, PLLC



Alan L. Pilch, PE, RLA
Principal

cc: Jennifer and Pascal Smith Couti (via email)