

FREDERICK P. CLARK ASSOCIATES, INC.

Planning/Development/Environment/Transportation
 Rye, New York and Fairfield, Connecticut

350 Theodore Fremd Avenue
 Rye, New York 10580

(914) 967-6540 • FAX (914) 967-6615

David H. Stolman, AICP, PP
Michael A. Galante

Joanne P. Meder, AICP

David J. Portman, FAICP

PROJECT REVIEW HIGHLIGHTS REPORT

PROJECT NAME [FPCA ACCOUNT #]: Andrews [163.768]	REPORT DATE: July 15, 2010
APPLICATION TYPE(S): Steep Slope Permit, Tree Removal Permit	
PLANNING BOARD MEETING DATE/TYPE: July 20, 2010 Public Hearing	PRE-APPLICATION MEETING DATE: January 17, 2007
APPLICANT NAME: Nancy Andrews	PROPERTY OWNER NAME: Nancy Andrews
SITE LOCATION: 7 Sleepy Hollow Road [#81.14-2-8, adjacent property-#81.14-2-1]	SITE ZONING: R-1A
FIRE DISTRICT: Millwood	SCHOOL DISTRICT: Chappaqua
DRAINAGE BASIN: NYC/Croton River	SURROUNDING LAND USE: N - residential; S - residential; E - residential; W - residential
WITHIN 500 FEET OF AGRICULTURAL DISTRICT: No	ADJACENT TO TACONIC STATE PARKWAY: No
SEQR CLASSIFICATION: Type II (617.5(c)10)	OTHER INVOLVED AGENCIES (KNOWN TO DATE): None
REQUIRED REFERRALS/DATE OF 1ST/LAST REFERRALS: NCERB (1 st -3/27/07, Last-7/1/10)	ADDITIONAL REFERRALS/DATE OF 1ST/LAST REFERRALS: None
SUBMISSIONS: See Attachment A	SITE PHOTOS/AERIAL PHOTO: See Attachments B & C
PURPOSE OF APPLICATION: The Applicant is seeking Planning Board approval of unauthorized steep slope disturbance and tree removal, and for restoration of disturbed areas, including lands on adjacent properties. The Applicant originally appeared before the Planning Board on April 17, 2007 for an informal hearing to review a proposed remediation plan. Since that time, the Applicant and adjoining neighbors have reached an agreement on a revised remediation plan.	

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A. PLANNING BOARD POLICY DECISIONS AND ACTIONS

1. The Planning Board should determine the acceptability of the identified features and/or choose from among the alternatives listed below:
 - a. The tree removal and proposed restoration planting plan. *[See Comments B.2.a through B.2.e]*
2. The Planning Board should pursue the following next steps:
 - a. The Planning Board should direct the Applicant to revise its plan(s), if necessary, to comply with the applicable minimum requirements of the Town, and should also identify any other technical issues raised by the Town Planning Consultants, the Town Engineer, the Planning Board Counsel, other advisory boards or Planning Board members themselves that the Applicant will be required to address as part of its next submission.

B. SUBSTANTIVE COMMENTS

1. Minimum Requirements of Applicable Regulations
 - a. The Applicant should submit a Coverage Calculations Worksheet for the subject lot that accounts for the area covered by the proposed retaining walls.
2. Discretionary Standards of Applicable Regulations
 - a. The application involves the disturbance of approximately 22,334 square feet of Town-regulated steep slopes as follows:
 - 11,242 square feet of Moderately Steep Slopes
 - 5,358 square feet of Very Steep Slopes
 - 5,734 square feet of Extremely Steep Slopes

The Planning Board should determine if the amount of previous steep slope disturbance is acceptable.

We note that several feet of soil may have been removed from the adjacent properties. The Planning Board should determine whether and how these areas should be restored to their original grade.

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- b. According to the Arborist's Report, dated October 23, 2006, prepared by Scott Cullen, RCA, six (6) Town-regulated trees were removed from the property based upon observation of remaining stumps and/or logs. Other non-regulated trees were also removed from the property.

The Planning Board should determine if the amount of tree removal is acceptable, and if the proposed restoration is acceptable or if it should be amended.

- c. Based on our review of the Applicant's most recent submission, we offer the following comments and recommendations:

- i. There are eight (8) large evergreen trees shown on the plan to be installed on the Shapiro's property and there are eight (8) Green Giant Arborvitae included on the Landscape Restoration Plant List. However, the plants included on the plant list are not keyed to plant locations on the landscape plan, which should be corrected. In addition, the evergreens planted should be larger and should be a mixture of trees 10-12 feet and 12-14 feet to create a more naturalistic effect. At the June 14, 2010 Planning Board meeting, the Applicant's representative expressed reservations about increasing these plant sizes because it would be difficult to transport them uphill. However, Drawing No. C-105 indicated that these plants will be installed from the uphill (Shapiro) property, and not from the downhill (Andrews) property.
- ii. We continue to recommend that the plan include as little meadow plantings as practicable, because the meadow areas do not restore the habitat that was lost by grading the hillside. The Planning Board should determine if the extent of the meadow areas proposed by the revised plan are acceptable or if these areas should be reduced in size by the addition of more trees and shrubs.
- iii. It appears from the notes included on Sheet C-106 that the composition of the structural soil to be used to fill the steepest slopes to the proposed design grade will be identical to the structural backfill specified for the retaining walls. The soil specified does not include organic matter, although according to correspondence from William Kenny Associates the backfill used to fill planting holes dug for plants to be installed in the structural soil would be amended with organics to improve plant growth.

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Our opinion is that the technique will support plant growth only where the structural soil layer is less than 18 inches thick or it occurs over a small horizontal area. The Applicant should provide proof that such a planting technique will support the growth of woody plants and trees. In addition, the plans should be revised to include notes, planting details and specifications for all plantings and specifically plantings within areas of structural soil that document the technique described in the correspondence.

- d. We recommend that the monitoring and maintenance plan include a determination after installation of the meadow, of the percentage of Italian rye grass plants established in the meadow as a base line for the composition of the young meadow. It should also state that the percentage of Italian rye grass should decrease during subsequent monitoring years until it reaches an acceptable threshold percentage level. This is in addition to monitoring and maintaining a specific plant vs. bare soil coverage for the meadow. When the percentage of Italian rye grass does not decrease or is too high, this grass should be removed, like any other invasive species, and be replaced by a non-invasive locally native meadow species. We continue to recommend use of locally grown seed and that the seed supplier be indicated on the landscape plan.
- e. The Applicant has prepared a monitoring and maintenance plan, but it does not include post-construction procedures. In addition, the plan should include the establishment of a baseline standard for invasive “nurse grasses.” The plan also does not describe maintenance measures to be used if the threshold standards are not met. Furthermore, the plan does not include any procedures that would need to be used in the case of an emergency event. The submitted plan should be revised to include the aforementioned recommendations.

3. Additional Recommendations

- a. None at this time.

C. MISCELLANEOUS COMMENTS

- a. If the Planning Board provides specific direction on any plan or document revisions that may be needed, we believe that it will be possible for the

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Board to identify conditions of approval that should be included in a draft resolution.

D. FOLLOW-UP REQUIRED BY APPLICANT

1. Unless waived or modified by the Planning Board, the Applicant shall be required to address all comments in this report and any other advisory report(s) submitted to the Planning Board for its consideration.
2. The Applicant shall also be required to address any additional comments raised by the Planning Board during a meeting.

Michael E. Landler, AICP
Senior Associate/Planning

Joanne P. Meder, AICP
Vice President/Planning

Marilyn Timpone-Mohamed, ASLA, AICP
Senior Associate/Environment

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ATTACHMENT A

The following submissions from the Applicant were forwarded to the Town Planning Consultants for review and report:

- Report entitled “Stormwater Pollution Prevention Plan – Andrews’ Residence Slope & Retaining Wall Modifications,” undated (received by Planning Board on June 28, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Letter to the Planning Board (with attachments) from William Kenny Associates, dated June 25, 2010.
- Letter to the Planning Board from Tectonic Engineering and Surveying Consultants, dated June 25, 2010.
- Plan labeled “C-100,” entitled “Pre-Construction Conditions,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-101,” entitled “Post-Construction Conditions,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-102,” entitled “Site Plan,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-103,” entitled “Erosion Control Plan – Phase 1,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-104,” entitled “Erosion Control Plan – Phase 2,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-105,” entitled “Landscape Restoration Planting Plan,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-106,” entitled “Section, Details & Notes,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.
- Plan labeled “C-107,” entitled “Erosion Control Details & Notes,” dated December 27, 2006, last revised on June 25, 2010, prepared by Tectonic Engineering and Surveying Consultants.

ATTACHMENT B



View of Steep Slope Disturbance Looking North



View of Residence from Sleepy Hollow Road with Steep Slope Disturbance in Rear



View of Damaged Trees and Soil Disturbance Looking North



View of Damaged Trees and Soil Disturbance Looking North

ATTACHMENT C



ANDREWS PROPERTY - 2007 AERIAL VIEW
Town of New Castle, Westchester County, NY

NOTE: This map was compiled from multiple datasets with different scales and projections and should only be used for general planning purposes.
DATA SOURCES: Digital aerial orthophotography (YES GIS Clearinghouse)

0 100 200 Feet



April 21, 2010

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