

Right Law for Right Time

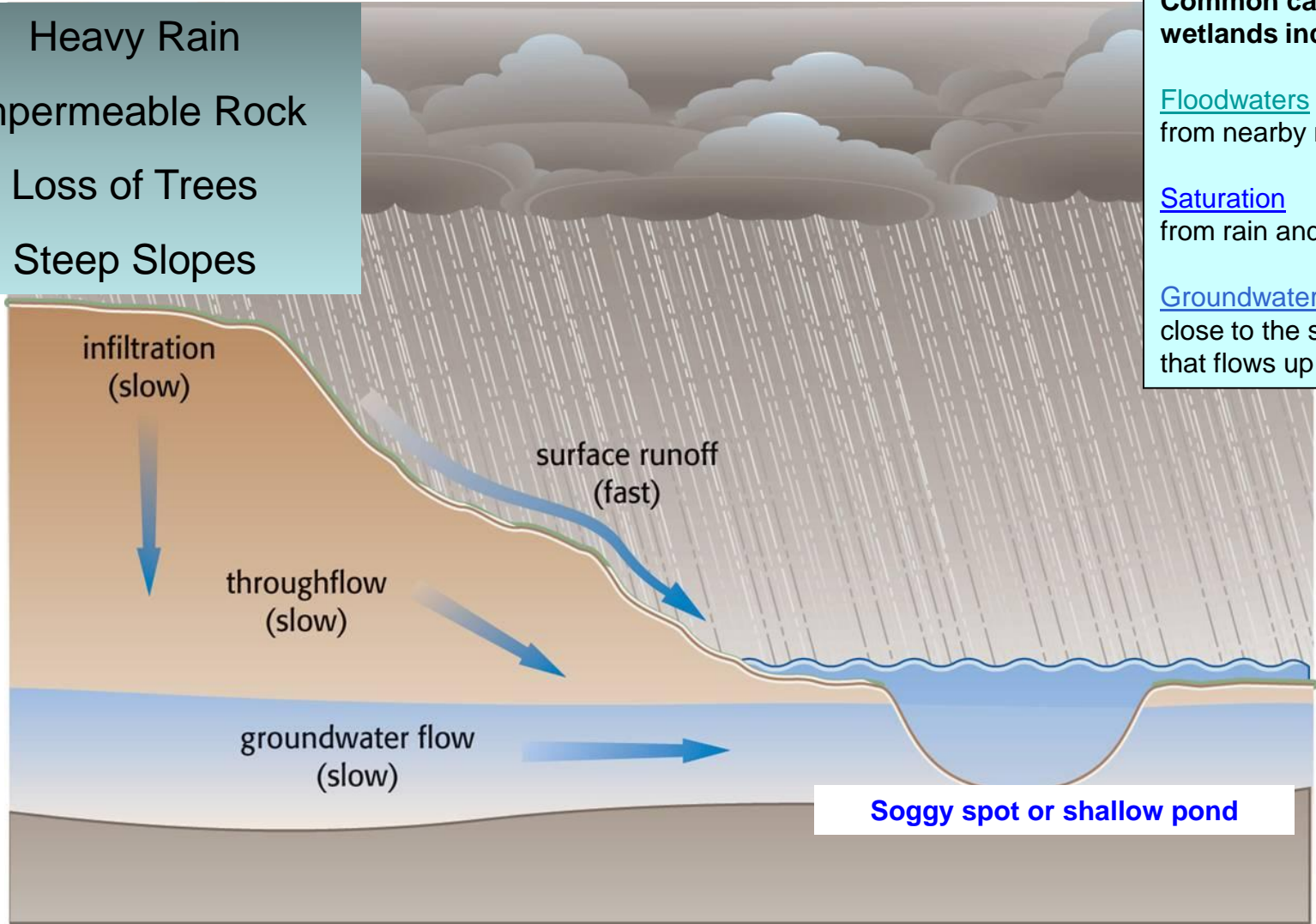
- Steep slope law adopted by Harrison Town Board February 9, 2006
- Steep slopes are environmentally sensitive areas worth protecting.
- Critical slope development, may constitute potential dangers to the public health, safety and welfare.

Steep slopes are environmentally sensitive areas worth protecting.

Factors that contribute to Flooding

Heavy Rain
Impermeable Rock
Loss of Trees
Steep Slopes

Common causes of wetlands include:
Floodwaters from nearby rivers
Saturation from rain and runoff
Groundwater close to the surface that flows up



Run off & Saturated Soil causes shallow ponds

Applicant failed to respond to all public comments and substantive comments in the FEIS



Failed to respond to all substantive comments in the FEIS

White tail deer



Failed to respond to all substantive comments in the FEIS

White tail deer

- I am isolating this issue to demonstrate that the inadequacy of and lack of thoroughness in the environmental reports the applicant presented in their FEIS.
- One item of particular interest to the community concerns the spread of the white tail deer population. PEPA has worked with the Town and County on this issue for many years.
- PEPA recommended that the white tail deer problem in Harrison, and more specifically, in Purchase be addressed in any revised Master or Comprehensive Plan.
- That said while the failure to address the white tail deer issue may not be the most critical issue such as flooding I aim to use this issue to demonstrate the inadequacy of the applicant to perform fundamental environmental review and respond to concerns raised by the neighbors who will be effected most by the developer's proposal.

Failed to respond to all substantive comments in the FEIS White tail deer

During the DEIS Public Hearings of July 22, 2008 & October 28, 2008 residents expressed concern about the significant deer presence in the area

Instead of performing an investigation to address the residents comments regarding deer the applicant's responses in the FEIS appear to be limited to a simple reiteration of what was said in the DEIS

III - Comments & Responses	
Response C1a	See response C1.
Comment C2	<p>Nelson Cantor, Resident, DEIS Comment, Public Hearing, July 22, 2008, Pages 40-41.</p> <p><i>No disrespect to the engineers who prepared it, but I think that their conclusory assessment of the species that exist in that land area by having maybe stated - going there once or twice and listening to birds once or twice, that's not going to do it. It's like a bird sanctuary there. It is unbelievably populated with species. You have hawks - deer, hawks, turkeys. I mean, it's just - it's an amazing piece of land, and I think the developer probably knew that when they spent what they spent to get 14 acres, because they knew what the impediments were going to be going in.</i></p>
Response C2	<p>Chapter III, Section III.3 includes an evaluation of the existing vegetation and wildlife on this site by C&H Environmental, Inc. The study period extended from the winter of 2005 to August of 2006 and was performed in accordance with accepted methodologies for such studies. The study evaluated the wildlife and vegetation of this site. The study concludes that in the upper portion of the site, where most of the development is proposed, the natural vegetation has been disturbed. Much of the vegetation in this area is adversely impacted by invasive species that provide low quality habitat for wildlife. The lower portion of the site where the existing vegetation is not being disturbed provides a much better opportunity for wildlife habitat. By disturbing less than 5.5 acres of the site for development and preserving the best acreage for wildlife support, the proposed project strikes a reasonable balance between preserving open space and development.</p>
Comment C3	<p>Nelson Cantor, Resident, DEIS Comment, Public Hearing, October 28, 2008, Pages 17-18.</p> <p><i>I submit that that DEIS is deficient in many respects. I don't want to repeat what Mr. Parrish said but certainly examining the plan it can't be built - is at the heart of it. With respect, to the trees which is probably most important to me - they want to remove 7 acres of trees. Essentially a ridge on the side of a mountain that cannot be mitigated. There's nothing that can mitigate the removal of 7 acres of trees. I don't think the DEIS considered the construction and the impact of the construction on remaining trees that would be there. Many times when there's construction in or about an area where there's trees, the weight of the construction equipment disturb - I don't think the DEIS addressed that at all. The DEIS talked about removing trees with diameters of 8 inches or less. The trees that are in there are 60, 90, 100 feet tall. They've been there hundreds of years. Even though they may be narrow in diameter the way they grow on the side of that mountain is straight up and bloom at the top. There's just nothing that's going to be able to mitigate the removal of those trees.</i></p>
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Failed to respond to all substantive comments in the FEIS White tail deer

The DEIS states:

“the deer deserve special mention in that they were specifically identified in the scoping outline as a concern”



SCHOOR DEPALMA
Engineers and Consultants

SHERMAN AVENUE SUBDIVISION



**DRAFT ENVIRONMENTAL IMPACT
STATEMENT
November, 2007
Revised April 2009**

Prepared by:
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1311 Mamaroneck Avenue
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Submitted by:
The Falcon Group, LLC
790 Gramatan Avenue
Mount Vernon, NY 10552

Failed to respond to all substantive comments by the public White tail deer

However, other than scant mention of deer, as seen here in the C&H Environmental Report, there is virtually no quantitative research on the deer population.

Chapter I Executive Summary

mitigation measures, all of which are described and analyzed in further detail in the subsequent Chapters of this Draft Environmental Impact Statement (DEIS).

Table I-1
Summary of Potential Impacts and Proposed Mitigation Measures

Impact Category	Potential Impacts	Improvements/Mitigation
Land Use and Zoning	<ul style="list-style-type: none"> Project is consistent with the Town and County planning policies. The Plan is compatible with surrounding uses, which are primarily residential uses on smaller lots. Project requires permits under the Town's Freshwater Wetlands, Tree Protection, and Steep Slope Protection Ordinances. 	<ul style="list-style-type: none"> The 9.06 acres of undisturbed area provides a significant buffer from the existing residential develop adjacent to the site on the east and preserves the wetland system, the wetland buffer and the stream corridor. The proposed subdivision fully complies with the Town Zoning Ordinance and, except for the length of the cul-de-sac, which the Planning Board may waive, is fully compliant with the Town's Subdivision regulations.
Visual Character	<ul style="list-style-type: none"> Plan is compatible with the residential character of the surrounding area. The proposed homes would not be seen from the Purchase neighborhood during the summer months and are only visible as a filtered view during the winter months. Except for that portion of the West Harrison neighborhood that lies on the east side of Woodside Drive, the project would not be visible. For those homes east of Woodside, the proposed homes would appear as one story single family homes with two car garages, very consistent with the existing neighborhood. 	<ul style="list-style-type: none"> The proposed development is residential in nature and consistent with the surrounding land uses which are primarily residential. Approximately 9 acres of undisturbed area would be preserved and would act as a natural buffer screening the existing Purchase neighborhood from the proposed homes. A landscape plan is provided and includes street trees and lot specific landscaping. Implementation of the streetscape including trees and sidewalks would create a neighborhood character consistent with the surround neighborhoods.
Vegetation and Wildlife	<ul style="list-style-type: none"> Approximately 8.62 acres of vegetation would be cleared of which 2.5 acres would remain as impervious surfaces for the road, and homes. Development would result in some disturbance to wildlife habitat on the property, but in areas that are already highly disturbed and which contain the lowest quality habitat potential. Approximately 189 trees will be removed as part of the project. 	<ul style="list-style-type: none"> While some open space and wildlife habitat would be lost, a majority of the quality vegetation and wildlife habitat is located in the wetland system and the adjacent buffer and is being preserved. Approximately 9.06 acres (over 62%) of the site would remain as undisturbed area. Disturbed areas, except the 2.5 acres of impervious area of which 1.5 acres is Sherman Avenue, will be re-vegetated or sodded as lawn. 213 new trees will be planted
Wetland and	<ul style="list-style-type: none"> The site contains approx. 1.64 acres of 	<ul style="list-style-type: none"> A Stormwater Pollution Prevention Plan has

DEIS I-4 April 2009

Failed to respond to all substantive comments by the public

White tail deer

How many white tail deer are actually on the 13 acres?

- The C&H Environmental Report merely states they “**saw almost no sign of deer.**”
- Note “**almost**” is not defined.
- The CH report does not provide a number or count of any kind for the quantity of deer on the 13 acres of property that includes a forest.
- The C&H statement is in contrast with the public comments made during the DEIS Public Hearings of July 22, 2008 and October 28, 2008 where residents indicated there was a significant deer presence in the area. Furthermore the FEIS does not address it.

The Sherman Avenue Subdivision should be denied

- The applicant has ignored the extent of impacts
 - Failed to address substantive comments in FEIS
 - Incomplete SEQRA review
- Wrong Project in Wrong Place
- Fortunately we have the Right Law for the Right Time
 - PEPA Asks the Board to uphold the Town's steep slope law and vote no for the Falcon Group's Sherman Avenue proposal

The Sherman Avenue Subdivision should be denied

- Property owners should be able to use their property as they wish so long as it doesn't adversely affect neighboring properties or public safety.
- As PEPA's legal and planning consultants have shown the slope development on this parcel, may constitute potential dangers to the public health, safety and welfare and has the potential to cause environmental damage, the applicant should be denied.



PEPA

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