



THE LOUIS BERGER GROUP, INC.

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September 30, 2011

Planning Board Chairman
Members of the Planning Board
Town/Village of Harrison
Alfred F. Sulla, Jr. Municipal Building
1 Heineman Place
Harrison, NY 10528

RE: Parcel B Office Building
100 Manhattanville Road
Harrison, New York
Supplemental Final Environmental Impact Statement
JA-2646

Dear Chairman and Members of the Board:

The Louis Berger Group, Inc. (Berger) serves as environmental consultant to the Purchase Environmental Protective Association ("PEPA"). On behalf of PEPA, Berger is hereby providing additional comments on the Final Supplemental Environmental Impact Statement (FSEIS) for the above referenced project.

We previously submitted comments to the Planning Board. This letter provides additional comments based on newly discovered information.

As described in greater detail in the attached Memorandum, the following information has been identified:

1. The Parcel B development will result in the fill of wetlands located in the southwest portion of Parcel B. The wetlands in this area are connected to relatively permanent water by the eastern branch of the Mamaroneck River; locally it is known as Easterly Brook (see attached Technical Memorandum). We offer the following comments:
 - a. The Town's wetland regulations applicable to this disturbance are promulgated in Chapter 149 of the Town Code. The regulations require a public hearing to be held and, amongst other requirements, the demonstration that there is no reasonable alternative for the proposed regulated activity on a site which is not a freshwater wetland or adjacent area. (Town Code Chapter 149-9(B)(5).
 - b. The SEQRA environmental review cannot be considered complete until the applicant has provided the information necessary for the Town to evaluate the potential environmental impact of this disturbance and compliance with applicable regulations. Specifically, information should be provided that

demonstrates that there is no reasonable alternative to the disturbance caused by the development on Parcel B to the wetlands in this area.

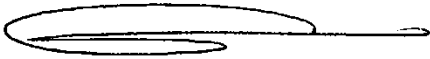
- c. We recommend that the Town consult with its wetland consultant to confirm the status of the wetlands in this area.
 - d. The U.S. Army Corps of Engineers regulates impacts to wetlands and waters of the U.S. It is recommended that a delineation of the wetlands referenced above within the proposed Parcel B development be conducted and a request for a Jurisdictional Determination be sent to the U.S. Army Corps of Engineers, New York District for review. Upon the U.S. Army Corps of Engineers' jurisdictional findings, a Section 404 permit could be required for impacts to these wetlands and stream.
2. The Parcel B development will include the construction of structures in close proximity to an identified stream in this area connected to relatively permanent water by the eastern branch of the Mamaroneck River; locally it is known as Easterly Brook (see attached Technical Memorandum). As indicated in the attached Technical Memorandum, this stream has historically been present in this area, as evidenced by historic maps and aerial photographs. The stream is identified as such in the current Westchester County GIS (see attached Technical Memorandum). As identified in the Town Code of Harrison, an established stream is that which has been recognized by another government body (i.e. Westchester County). In using the Westchester County GIS mapping/metadata, it can be stated that the county has mapped and recognized the linear feature within the Parcel B development area as a stream and that according to the Town Code this feature is considered an established stream. This is consistent with the historic nature of this feature, as evidenced on historic maps and aerial photographs, and its connectivity to upstream and downstream waters. As such it serves an important flood management function and as such an important element of the flood conveyance system in the watershed. We offer the following comments:
- a. The Town Code requires a setback of 50 feet from this stream for development purposes (Town Code, Section 235-31 - Setbacks from streams and other bodies of water). The proposed office building on Parcel B would be set back less than 50 feet from the stream and would therefore be inconsistent with this regulation. The SEQRA environmental review cannot be considered complete until the applicant has provided the information necessary for the Town to evaluate the nature of this potential violation of the Town code and/or request a modified design from the applicant consistent with the Town code.

3. Based upon this new information, none of which was included in the FSEIS and none of which has thus been subject to public review, the public review should be continued to allow the community to review this new information as well as any modifications to the project in response to this new information and other project modifications and analyses and to provide the opportunity for the Planning Board to consider such public comments in its decision-making process.

Thank you for your time and consideration.

Sincerely,

THE LOUIS BERGER GROUP, INC.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Niek Veraart, AICP, ASLA
Vice President

