



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Town of Southeast Planning Board
From: AKRF, Inc. (A. Ley and C. Robbins)
Date: May 3, 2022
Re: Green Chimneys
cc: Insite Engineering, Surveying & Landscape Architecture

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Letter from John Watson, Insite Engineering to Planning Board, dated April 18, 2022
- Drawing set (8 sheets), prepared by Insite Engineering, last revised April 18, 2022
- Lot Line Adjustment plat, dated February 7, 2022
- Architectural plans and elevations (9 sheets), prepared by Fuller D'Angelo P.C., last revised February 25, 2022
- Town of Southeast Application, dated February 1, 2022
- Town of Southeast Site Plan Application Checklist, dated February 7, 2022
- Statement of Use, prepared by Insite Engineering, dated February 7, 2022
- Waiver letter, prepared by Insite Engineering, dated February 7, 2022
- Short EAF, dated February 7, 2022
- Photo renderings (2)
- Certified radius list
- Deed

PROJECT DESCRIPTION

Green Chimneys School for Little Folk (the "Applicant") proposes to build a new one-story culinary school building and one-story eating pavilion on the Boni Bel Farm at 301 Doansburg Road in the R-160 and R-60 Zoning District (the "Project Site"). The Applicant proposes to extinguish the lot lines to merge the three lots into a single lot (the "Proposed Project"). Lot 36.-2-17 is within the R-60 Zoning District while lots 36.-1-1 and 36.17-1-3 are within the R-160 Zoning District. Other site improvements include a deck and sidewalk to connect the buildings, driveway widening for bus and traffic circulation, a new septic system, upgrade of an existing well to a public water supply, structural improvements to an existing barn, lighting, landscaping, hardscaping, 31 parking spaces, a new road sign, stormwater management practices, and an existing house will be demolished. There are NYSDEC and Town regulated wetlands on the Project Site. The Proposed Project would disturb regulated buffer areas. The Proposed Project requires Planning Board

Site Plan, Wetland Permit, an area variance from the Zoning Board of Appeals, and Subdivision Approval, and a Special Permit from the Town Board.

COMMENTS

The Applicant submitted additional information in response to comments from the Planning Board and its consultants. Comments from AKRF's 2/22/22 and 4/5/22 memos not previously addressed are recited below in *italics*, new and follow-up comments are provided in **bold**.

1. *The Short EAF indicates the Project Site is located in or adjacent to an designated as sensitive for archeological sites and references a "Stage 1A Literature Review & Sensitivity Analysis for Green Chimney's Recreational Trail." A copy of this report should be provided. In addition, the Applicant should submit a consultation to the New York State Historic Preservation Office.*

4/5/22 conclusion: Comment partially addressed. A SHPO consultation has been submitted. A copy of the Stage 1A Literature Review & Sensitivity Analysis will be provided once received by the Applicant.

5/3/22 conclusion: The SHPO consultation and Stage 1A report are still pending.

2. *The Applicant notes the following items will be submitted at a later date:*

- a. *Preliminary plan review:*

- i. *An outdoor lighting plan.*

4/5/22 conclusion: An outdoor lighting plan was provided as Drawing LP-1. As shown on Drawing LP-1, areas along the front property line will exceed the maximum allowed 0.1 footcandle for residentially zoned property [§138-98.A.(1)(a)], with locations of 1.0 footcandle or more, and should be revised accordingly. The proposed post mounted light locations are not shown on Drawing LP-1, although they are shown on Drawing SP-1. In addition, only seven of the eight proposed building mounted lights are shown Drawings LP-1 and SP-1. The lighting plan should also include the information as outlined under §138-98.D(2).

5/3/22 conclusion: Comment partially addressed. The revised lighting plan (Drawing LP-1) indicates the maximum allowed 0.1 footcandle will be met along the property line. All eight proposed building mounted lights are now shown on Drawing LP-1. The post mounted lights have been added to Drawing LP-1. However, the updated Luminaire Schedule now indicates a total of 10 post mounted lights are proposed, although 11 are shown on the drawing. In addition, both types of post mounted lights use the same symbol; different symbols should be used for the Type V and Type III post mounted lights. Information addressing §138-98.D(2) was added to Drawing LP-1.

- ii. *The extent and amount of cut and fill for all disturbed areas, including before and after profiles for typical development areas, parking lots and roads.*

4/5/22 conclusion: Comment not addressed. The March 21, 2022, letter indicates estimated cut and fill was added to Drawing OP-1; however, neither this information nor before and after profiles are included within the drawing set.

5/3/22 conclusion: Comment addressed. Drawing OP-1 now indicates the project was designed for balanced cut and fill (i.e., no net fill).

- iii. *The proposed location, size, color and illumination of proposed signs.*

4/5/22 conclusion: The location of the sign is shown on Drawing SP-1. The sign application will be submitted to the Building Department and referred to the Planning Board once available.

5/3/22 conclusion: The Applicant noted the sign application will be forwarded to the Planning Board once accepted by the Building Department.

b. Architectural review:

i. Conceptual signage.

4/5/22 conclusion: The sign application will be submitted to the Building Department and referred to the Planning Board once available.

5/3/22 conclusion: The Applicant noted the sign application will be forwarded to the Planning Board once accepted by the Building Department.

ii. Material samples, color charts, and/or photographs of proposed materials.

4/5/22 conclusion: A material samples board will be provided at the next meeting. A photograph was previously provided.

5/3/22 conclusion: No further comment.

3. The lot line adjustment plat should be revised as follows:

a. Label the zoning district and the zoning district boundary.

5/3/22 conclusion: An updated lot line adjustment plat has not yet been provided.

b. Add a zoning dimensional table.

5/3/22 conclusion: An updated lot line adjustment plat has not yet been provided.

c. Label the location of the public water supply well and the septic system.

5/3/22 conclusion: An updated lot line adjustment plat has not yet been provided.

WETLANDS AND NATURAL RESOURCES

WETLANDS

The following recommendations are offered based on a review of the above referenced drawing set, the memorandum from Stephen Coleman dated August 11, 2018 (copy attached), and a site walk with the Applicant's engineer on April 29, 2022:

- 1. Comments 1, 3, and 4 of Mr. Coleman's Memorandum should be addressed and the materials identified should be provided to AKRF for review and in support of confirmation of the Town's regulated wetland boundary per Chapter 78 of the code. Given wetland boundary flags were not hung for the NYSDEC validation and a report not prepared, the applicant should engage a consultant to flag the wetlands on site and prepare a report documenting findings of that effort.**
- 2. Areas within the Town regulated buffer (controlled area) where disturbance is proposed should be identified in a figure or on a drawing, square footage of the proposed disturbance should be provided in a table or text, a description of the type of disturbance proposed (e.g., excavating, filling) should be presented, and a description of the post construction condition documented.**
- 3. The Town's control area is variable based on Hydrologic Soil Group (HSG) as documented in Chapter 78. Given the HSG ratings for mapped soils on the project site range from A to D, the Town's controlled area presented on the drawings should be reviewed and revised to comply with Chapter 78 of the code.**

PROTECTED SPECIES

The following comments are provided based on review of the document titled “Impact Assessment, Bald Eagle & Bog Turtle”, prepared by Ecological Analysis (EA) in March 2022 and a site visit on April 29, 2022:

1. As noted in the EA assessment, the closest bald eagle nest is approximately 0.8 miles from the proposed development. Given the intervening distance, partial if not complete obstruction of the view to the project site from the nest, intervening topography and forested areas, and human uses/activity between the nest and the project site, we concur with EA’s conclusion that impacts from the development and operation of the proposed action would not result in impacts to the eagles.

The NYSDEC is responsible for protection of this species, and the application has been referred to NYSDEC as an Involved Agency pursuant to SEQRA. If the NYSDEC has concerns over the nesting eagle pair they will have opportunity to provide comments either during the SEQR process, or as part of their review of the permit application for proposed disturbance to the NYSDEC’s regulated freshwater wetland adjacent area.

2. As noted in the EA assessment, the closest bog turtle observation is roughly $\frac{3}{4}$ of a mile from the proposed development. However, it is possible that bog turtles could use the wetland in the vicinity of the project site. Given that the proposed development associated with the project is on disturbed land and the majority in areas with ongoing disturbance/use, bog turtles would not be expected to use the project site under the existing condition.

EA recommends retaining the existing fence and adding silt fence between the wetland and proposed development, especially around the proposed SSTs which lies outside of the existing fence. We concur with EA’s conclusion that, with these measures in place, the development and operation of the proposed action would not result in impacts to bog turtles should they happen to be in the area.

The NYSDEC is responsible for protection of this species. If the NYSDEC has concerns over the bog turtle they will have opportunity to provide comments either during the SEQR process, or as part of their review of the permit application for proposed disturbance to the NYSDEC’s regulated freshwater wetland adjacent area.

RECOMMENDED ACTIONS

At the May 9, 2022, meeting, AKRF recommends that the Planning Board open and continue the public hearing to June 13, 2022 to allow the Applicant time to update the plans to address the comments herein.