

## **2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES**

**Comment 2-1 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The proposed action description should be revised to clarify that the ownership and maintenance responsibilities of the “community building” and “pool” will be private.

*Response 2-1: The community recreation building and pool will be privately owned and maintained by the Salem Hunt homeowners association, as described in the description of the homeowners association (DEIS page 2-6 and FEIS page 1-14).*

**Comment 2-2 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** It is assumed that the property owner be responsible for snow removal and road maintenance.

*Response 2-2: The homeowners association will be responsible for the long term road maintenance as well as for snow removal.*

**Comment 2-3 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Development of the easterly portion of the site is proposed to accommodate the planned subsurface septic system. References to “no development” being proposed for this area should be corrected.

*Response 2-3: Comment noted. The FEIS Plan includes a wastewater treatment plant (WWTP) which will be contained in a building located south of the project entrance road and on the north side of the subsurface wastewater disposal fields (see Figure 1-3 Proposed FEIS Site Plan). The sewage treatment plant building will be architecturally consistent with the residential buildings. In addition, the building will be partially screened by landscaping with street trees and flowering ornamental trees (see Drawing SP 2.1 Landscaping and Layout Plan East). The subsurface sewage disposal system (SSDS) will appear as a field planted with native grasses. No development will occur on the eastern edge of the site bordering June Road, with the exception of the project entrance (see Figure 1-3 Proposed FEIS Site Plan ).*

**Comment 2-4 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Areas to analyze include:

- How do these properties compare in size, scale & mix of units
- Visual impact on the surrounding community.
- Impact on Emergency Services (number of police, fire & EMS calls per year).
- Impact on Schools.
- Impact of Tax base versus what was originally claimed (tax benefit v cost).

*Response 2-4: The size scale and mix of units was describe in Section 2.0 Description of the Proposed Action of the DEIS. The visual impact of the project to the surrounding community was described in Section 8.1 Visual Resources of the DEIS. Impact on emergency services and upon the Town schools was described in Section 11.0 Community Facilities and Services. The project's potential fiscal impact to the Town was described in Section 11.2 Fiscal of the DEIS. This information is posted on the internet at [www.timmillerassociates.com](http://www.timmillerassociates.com), and is available for public review. The potential impacts of these issues for the revised FEIS Plan is described in this FEIS.*

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**Comment 2-5 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Reference to the “recently adopted Comprehensive Plan Update” on Page 2-7 should be deleted.

*Response 2-5: Comment noted. A statement should be made on Page 2-7 that the Comprehensive Plan Update was recalled by the Town on February 12, 2008 (Resolution #59). The proposed Salem Hunt development has been reviewed by the Town Planning Board since early 2006 and the final Scoping Document included a conformance analysis with the, then, "draft" Comprehensive Plan Update. Since the Plan has been recalled by the Town, the 1985 Master Plan is the Town's default planning guidance document. This FEIS discusses the proposed action's consistency with the applicable 1985 Master Plan (see Section 3.0 Land Use).*

**Comment 2-6 (Mr. John White, Public Hearing, June 11, 2008):** The other issue I have and I've had it and I've said this before, I've said it for 30 years, I don't think a process where, you know, maybe this year I made \$90,000, I could go apply for one of these houses and get it. It would make sense, because, you know, next year, my stocks may go back up and I'll be a millionaire. And yet these people will own this house forever, and I just don't think it's right that at a point in time when they fill out an application, that they get a unit for free. I really think that they really should be rental units where it can be indexed to what their income is, not based on a one shot deal of one fee. Those are my individual comments, but I just think they should be addressed and commented upon.

*Response 2-6: North Salem and Westchester County seek opportunities for moderate income Town residents to purchase affordable homes in the Town. Chapter 250 of the Zoning Code requires that 20 percent of the units be affordable. The income eligibility requirements are set forth in moderate income housing regulations, Article XXII of the Code (see page 3-23 of the DEIS). The moderate income units would not be free but would be offered for purchase by eligible Town residents at a calculated sales price, estimated at \$227,840. The applicant anticipates applying for grants to support the construction of the MIH units. If this is the case, the units will comply with both the MIH requirements as well as the Westchester County requirements (see Response 3-3A-B). Rental units are not presently planned.*

**Comment 2-7 (Mr. Peter Kamenstein, Public Hearing, June 11, 2008):** I'm wondering if the density of the development that is proposed is cast in concrete or perhaps that may be negotiable, obviously with the real estate market the way it is these days. And it looks like it's going to be in the foreseeable future; we may end up with an awful lot of unsold residences on this property.

*Response 2-7: The applicant has proposed a project with a density that meets the Zoning Code requirements and would be in conformance with the requirements of the Town and other approving agencies. The project is designed to be marketable and a desirable residential community. Because of the nature of the design (duplexes and triplexes), it is unlikely that units will be built well in advance of the pace of sales. Unsold residences are not anticipated.*

**Comment 2-8 (Mr. Peter Kamenstein, Public Hearing, June 11, 2008):** The other thing I find relatively curious is, and I would like to know [inaudible] what the marketing plan is, because 800- or \$900,000 for a two-bedroom home. Certainly a two-bedroom home, number one, doesn't sound to me like a family home. I mean there aren't many families with just one child,

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and so I'm kind of curious who you're marketing this to. You know, this is supposed to be more of an adult community. Are they working adults, retired people? You know, and have you done studies on this to see if there's actually a market for just two-bedroom condominiums, because it sounds to me like a rather limited appeal item.

**Response 2-8:** *The proposed residential units will be marketed to either empty-nesters seeking to downsize from larger single family residences, or young couples with either one or no children. The amenities offered by the development such as a recreation facility, pool, snow plowing, community water and sewage treatment system and landscape maintenance will make Salem Hunt attractive to mature couples or younger couples with a single child.*

**Comment 2-9 (Mr. Mark Hollister, Public Hearing, June 11, 2008):** I'm somewhat perplexed by the nature of the two-bedroom units as it was mentioned before. Part of it is due to the fact that, you know, being in a rural community and the demand or the allure of North Salem due to the school district would sort of entice families to come here. And I just wondered if some of that is driven by the current housing market where if there's a fall-back plan that if they are not able to sell these units, if they're looking to rent these units, if that were the case, because it's easier to rent a two-bedroom unit because it might be rented at a slightly slower rate. If that were the case, that would concern me from a transitory nature of the tenants of those units.

**Response 2-9:** *At the present time the applicant does not plan to rent the units. Salem Hunt will be a market rate townhouse development. The homeowners association offering plan will restrict future conversion of the units.*

**Comment 2-10 (Mr. Mark Hollister, Public Hearing, June 11, 2008):** Then secondly, since you've done so many other of these residential communities, how many of the other communities have a hundred percent two-bedroom units and why that would be proposed this time if it had never been done before.

**Response 2-10:** *The applicant has not developed a multi-family community with exclusively two bedroom units. Senior communities by the applicant do have one bedroom units, however the market for non-age restricted one bedroom units is much more narrow than the market for two bedroom units. The applicant has limited the proposed condominiums to two bedrooms each so as reduce the potential number of school aged children in the development and to reduce the required water demand and sewage generation.*

**Comment 2-11 (Chairwoman Curtis, Public Hearing, June 11, 2008):** I do want to make a side comment about what Mr. Balter alluded to as the number of units that were possibly viable on this site. Having sat on the town board when this zoning was being considered, I'm going to guess at how Mr. Balter arrived at the 96. I think if you read the generic environmental impact statement for the rezoning, there was an analysis of this site to the extent that we looked at information that was available to us. And if memory serves me right, I believe, we stated in that impact statement that because of all the wetlands on the site, 60 percent of the site would be buildable. And that would be about 24 acres. So I guess if you took 24, multiplied it by 4 units to the acre, you would get that 96. But, you know, having worked with planning plans before, if we have 24 buildable acres here or if the town board thought at that time it had 24 buildable acres, it doesn't immediately project into 96 because you have to have provisions for the roads. You have to have provisions for the septic. So I know personally, my anticipation of this site was

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more in a 50 to 60 range when I sat on that board. I do recognize that the EIS mentioned the 24 acres, but leading up to what comment was made, is this cast in concrete. And I guess the short answer is, nothing is cast in concrete. We're at the stage where we are reviewing all of your comments and we must take them into consideration.

**Response 2-11:** *Comment noted.*

**Comment 2-12 (Ms. Jackie Kamenstein, Public Hearing, June 11, 2008):** A friend of mine lives in the Cross River condominiums; is there a way to stipulate to the homeowners who buy these homes in the future, how many people can live in each unit?

**Response 2-12:** *The occupancy of the residential units cannot be restricted, but the number of bedrooms can be limited in order to limit the likely occupancy of the development. Based upon the number of bedrooms, a maximum of 6 persons (7 persons for Unit 5), could permanently occupy each unit. The MIH units could have an occupancy of 6 persons. The NYS Property Maintenance Code Section 404 specifies the minimum room area per occupant. Based upon the Code, all units can accommodate a minimum of 25 persons on a temporary basis.*

**Comment 2-13 (Letter #8 Mr. Frank Annunziata, Hahn Engineering, July 25, 2008):** Typical basement floor plans that include garage, garage door dimensions and driveway dimensions should be provided since the proposed garage/driveway widths appear to be narrow and could be problematic for the builder and future homeowners.

**Response 2-13:** *As previously discussed, the driveway widths are 18 feet for the 2-car garages with a 16-foot door and 10 feet wide for the 1-car garages with an 8-foot door. These are industry standard. Floor plans for the units are attached in Appendix D.*

**Comment 2-14 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Some of the attached townhouses have large roof planes. Can we get a better understanding of the shingle product to be used?

**Response 2-14:** *Traditional asphalt shingles are proposed. Specific shingle colors have not yet been selected, but can be provided to the Town during Site Plan approval.*

**Comment 2-15 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** The illustration of the 'one side' garage (34 ft. townhouse) has unusual miss-colored squares in some windows. Explain?

**Response 2-15:** *The miscolored windows were the result of a printing error. Revised elevations for the proposed buildings are shown in Figures 1-6 through 1-8, and in Appendix D.*

**Comment 2-16 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Does the change in roof color in the 20' townhouse (3 forward garages) signify a change to copper standing seam or some other type of roofing?

**Response 2-16:** *Copper standing seam was proposed for the short roofs over the doorway. Revised elevations for the proposed buildings are shown in Figures 1-6 through 1-11.*

**Comment 2-17 (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Revise auto-dominated building design. The draft EIS states that the project, as revised after the completion of the final scope, meets the conditions of one of the required design alternatives by providing "a development more consistent with the community character found in North Salem by designing the buildings in this development to resemble farm structures." We question if the proposed building design meets that objective.

The renderings of the proposed buildings, when viewed in combination with the site plan drawings, indicate that none of the residential units would have a front door in a prominent position facing the street. Instead, the dominant front feature throughout will be garage doors, often made more striking with a "snout-nose" configuration off the front of the structure. The "front door" entranceway will be marginalized to the side of the building. Further, the front yards throughout the development will consist of wide, paved driveways with curb cuts every few feet. In our opinion, this design format is inconsistent with traditional residential farm structures in Westchester, which usually feature vehicular garages in the rear or to the side of the residence, often in the form of a detached garage. If the intent is to have a design that more closely resembles traditional housing styles, we recommend that the proposed dwellings be reconfigured to minimize the visual impact of each garage by placing the garage to the side of the building or in the rear. We have attached sample images that highlight alternative approaches to garage placement. In addition, in order to facilitate improved building design, the Town Planning Board should give consideration to reducing garage spaces or limiting garage spaces to one garage space per residential unit.

**Response 2-17:** *The applicant has met with Mr. Burroughs of the Westchester County Planning Department to review the proposed Site Plan and discuss modifications and potential improvements to the plan. Due to the site conditions, including wetlands, wetland buffers, and steep slopes, garages at the side or rear of the units is not practical. Driveways to the side or rear of the buildings would also result in longer driveways and greater impervious surfaces. Revised building elevations are shown in Figures 1-6 to 1-11 and in Appendix D. The front doors facing the street are made more prominent with covered porticos and railings resembling porches. Architectural details are used to reduce the prominence of the garage doors.*

**Comment 2-18A (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Incorporate green building technology. The Town should encourage the applicant to incorporate as many "green" or sustainable building methods and technologies as possible into the proposed development. Such efforts are increasingly common – and expected. Many communities have begun to amending local codes to make "green" design and building practices mandatory. Developments that have a type of environmental certification are recognized as environmentally responsible, profitable and healthy places to live and work. These developments are often seen as premium properties.

Nationally recognized rating systems (such as LEEDS - Leadership in Energy and Environmental Design) and organizations can assist the Town in recommending sustainable elements of building and site design and in the ongoing assessment of the projects. Site elements include reduced site disturbance, alternative transportation opportunities and

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stormwater treatment. Building elements include energy and water efficiencies, environmentally sensitive building materials and green rooftops.

**Comment 2-18B (Letter #12 Ms. Jessica Bacal, Westchester County Planning Department, July 23, 2008):** Although the DEIS notes that the project will be LEED for Homes certified, there are four categories of LEED certification, “certified”, “silver”, “gold” and “platinum”, which are based on the level of sustainability. There is no mention of the level that is to be achieved, and the Committee recommends at least “silver”. We also recommend that the LEED points be weighted toward energy conservation such as solar panels and/or solar shingles.

**Response 2-18 A-B:** *The project engineer has included in its design the following LEED credits for New Construction:*

- Prereq 1 Construction Activity Pollution Prevention*
- Credit 2 Development Density & Community Connectivity*
- Credit 5.1 Site Development, protect or Restore Habitat*
- Credit 5.2 Site Development, maximize Open Space*
- Credit 6.1 Stormwater Design, Quantity Control*
- Credit 6.2 Stormwater Design, Quality Control*
- Credit 1.1 Water Efficient Landscaping, Reduce by 50% (Potential)*
- Credit 1.2 Water Efficient Landscaping, No potable Use or No Irrigation*
- Credit 2 Innovative Wastewater Technologies (Potential)*
- Credit 3.1 Water Use Reduction, 20% Reduction*
- Credit 3.2 Water Use Reduction, 30% Reduction (Potential)*

*The project is proposed to be "certified" as per LEED for Homes. The Applicant's goal is to achieve "silver" status.*

**Comment 2-19 (Mr. Jeff Carter, Public Hearing, June 11, 2008):** The EIS refers to the property being visible from our yard. Well, in fact, it will be visible during certain parts of the year, obviously, from our house and significantly. There would be as a natural situation like this, noise, light, and other environmental impacts on us. And so the importance of that buffer is very important to us. And I believe that if and when the plan approved, inevitably, there will be a discernable change in the general area where the property is located; that is the neighborhood, which would directly impact on property values. A matter that the town should take into consideration.

**Response 2-19:** *The project will be visible from certain private properties, either near or adjacent to the site. Buffer landscaping and plantings will be provided along the northern and southern property lines to mitigate potential visual impacts. Proposed landscaping is shown in Drawings SP-2.1 and 2.2 Layout and Landscape Plan. Lighting for the project has been modified from the DEIS plan to reduce the potential lighting impacts to neighbors (see Drawing LP-1 Lighting Plan). The Plan now includes only three pole mounted lights located at the street intersections and the recreation building parking entrance. Low, bollard mounted lights are proposed for the visitor parking areas and for the recreation building and pool area. Lighting, landscaping and measures to reduce visual impacts are further described in Section 8.0 Cultural Resources Comments and Responses.*

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**Comment 2-20 (Letter #3 Ms. Marilyn Shanahan, NYCDEP, July 9, 2008):** The DEIS frequently refers to the development as "cluster" and "clustered". According to the Town of North Salem Comprehensive Plan Update, "cluster design will concentrate the developed area on a property, thus leaving a significant proportion of the land area as open space" (page 28). Cluster development generally refers to open-space design, allowing for common areas to be utilized by residents. However, the Salem Hunt proposal appears to maximize development with the residences massed on nearly all developable portions of the property. The only common area on this project is a swimming pool and a small community building. The majority of undeveloped areas are the wetlands and their associated buffers and an approximately 25'-wide swath of trees on the south edge of the property. These areas are typically not considered developable. The term "cluster" is misleading and should be removed from the DEIS.

**Response 2-20:** *The term "cluster" was used to describe a project consistent with the Town of North Salem Comprehensive Plan Update definition and the definition of cluster that is commonly used by planners. The developed area has been concentrated, and existing vegetation has been retained on a significant portion of the site; nearly fifty percent. This undeveloped area includes wetlands and buffers, but also a 100 foot buffer between proposed buildings and the southern property line (50 feet is required by the Zoning Code). The revised FEIS Site Plan has shifted the proposed buildings away from the northern property line, providing a minimum of 158 feet between buildings and the property line. The revised plan includes a central common area between residences (see Figure 1-3 Proposed FEIS Site Plan). The common area will be landscaped with native vegetation and will include meandering walking paths. The open space, including wetland buffers, will be accessible to future residents for passive recreation and enjoyment through proposed bridle paths and pedestrian trails.*

**Comment 2-21 (Mr. Mike Cindrach, Public Hearing, June 11, 2008):** I'm a resident of Starr Lea Road. Just speaking as a resident of North Salem for the last seven years, my first concern, more of a general one, having been a 30-year resident of Mount Kisco, and interestingly enough, heard Mount Kisco previously mentioned in the one of the written comments. I've unfortunately, in that time, seeing the amount of green space in Mount Kisco disappear to pretty much nothing, while traffic went through the roof. Now, I know one of the issues with a project like this, the first one will be the hardest most likely, because it doesn't really conform to anything we currently have, especially in this area of North Salem. The general concern is that once this does happen, if this does happen, will it make it easier for the next tract of land to be developed. And at that point, when does it stop. And at what point do we really need to be concerned about a row of traffic lights popping up on June Road.

**Response 2-21:** *The Salem Hunt project site is one of a limited number of parcels in North Salem that was selected, generically studied, and zoned for multi-family residential development by the Town. No other parcels in the northeast portion of the Town, or along June Road are zoned for multi-family. The Town of North Salem planned for multi-family development on the Salem Hunt parcel, in part to encourage opportunities for varied housing types as well as moderate income housing.*

**Comment 2-22 (Mr. Peter Kamenstein, Public Hearing, June 11, 2008):** Certainly, in respect to families, and of course, I share in many of the concerns that have been expressed here by the other people tonight. The one thing that struck me is a word that I believe the planner used when he described the entrance to the property as a boulevard. That strikes me a little bit like

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the Apple Mill's entranceway down on Hardscrabble Road. I don't think we need any boulevards in town. That's a big-paved way and it was just the amount of traffic an hour [inaudible], it doesn't have the density of homes on it. It's not as significant as this is proposed to be, but I think it's a boulevard is really and just using his words, is really not in keeping with this town.

**Response 2-22:** *The boulevard entrance was modified to a more traditional two lane entrance, following feedback from the Town and public (see Drawing SP-1). The project entrance is further described in Section 1.3 Summary of Proposed Action.*

**Comment 2-23A (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** There seems to be a limited number of guest parking spots. Adequacy should be confirmed.

**Comment 2-23B (Letter #9 Edward Gordon, Resident, July 26, 2008):** First, the sheer size of it raises many questions. 65 Units and 24 buildings will likely be occupied by several hundred people and their pets. Although parking is included, my arithmetic indicates a severe shortage of parking in this crowded development: only 65 parking spaces are provided for residents and their guests (The proposal states 117 in garages - I can't find them). Street parking is inconvenient and inadequate in number. Even the recreation building is short of parking: only 12 spaces are provided.

**Comment 2-23C (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Reduce proposed parking spaces. Our review found that the development would establish a minimum of 274 vehicles or 4.2 parking spaces per 2-bedroom residence. That number appears to be unjustifiably high. A reduction in the number of parking spaces to be provided would greatly assist in developing alternative site layouts, providing room for sidewalks and reducing site disturbance, impervious surfaces and stormwater runoff.

We recommend that the Town Planning Board not permit more parking spaces to be established than the zoning code requires (125 spaces for the residential use). If the zoning code does not permit driveway spaces (of adequate length) to be counted as parking spaces, we recommend that the regulations be revised to do so.

**Response 2-23A-C:** *The parking calculations completed for the project are based upon Section 250-29.A of the Zoning Code and the Table of General Use Requirements for the R-MF/4 District. The required and provided parking calculations are provided on Drawing SP-1 Overall Preliminary Site Development Plan. Based upon the Code, 116 spaces are required and 217 spaces are provided on the current plan. The parking spaces provided exceed the required spaces by 101 spaces. A total of 86 visitor spaces are provided. Visitor spaces include 21 parking spaces distributed along the access roads through the site, one (1) visitor parking space provided in each of the 65 proposed driveways. A total of 14 spaces are provided for the recreation building.*

*Although Section 250-29.A allows credit for one parking space for each driveway, 52 of the proposed driveways can accommodate two vehicles for an additional 52 parking spaces, resulting in a total of 138 actual visitor parking spaces. Based upon these calculations, two visitor spaces will be provided per unit. Based upon the applicant's past experience and the Code requirements, the number and distribution of provided parking spaces is adequate and appropriate.*



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*It should be noted that pervious pavement will be used for all visitor parking, recreation area parking and driveways. The use of this pavement will reduce impervious surface and thereby reduce stormwater run-off and required treatment.*

**Comment 2-24 (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Consider alternative layouts. The proposed site plan would clear-cut and re-grade all areas of the site where development is proposed thereby removing all trace of such character defining elements as the extensive tree and flora cover and significant sections of intact stonewalls. We suggest that it may be possible to further revise the development layout so as to incorporate existing features of the site and avoid the appearance of sprawling conformity which we believe would result from the current layout.

For example, given the relatively high concentration of residential units proposed on the site, a better site plan may result from more concentration of the units, coupled with a reduction in parking, instead of the currently proposed equal unit spacing and loop road pattern. Under this approach, an objective should be to retain and to incorporate areas of tree and flora cover and long sections of stonewalls. Such an approach would not only provide a more "new urbanist" and walkable community but would provide better long-term environmental protection by reducing impacts of re-grading and clear cutting, protecting wider and connected protected natural areas, reducing impervious surfaces, and providing opportunities for groundwater recharge with less need to collect, treat and confine stormwater.

***Response 2-24:*** *The site design has been revised to reduce impacts associated with wetland buffer disturbance (see Section 1.0 Introduction). The revised FEIS Site Plan also reduces impervious surfaces by reducing road length and width, elimination of the previously proposed cul-de-sacs and use of porous pavement on the residential driveways, walks, and parking areas. The project has also incorporated rain gardens and grass swales to aid in groundwater recharge and stormwater quality treatment.*

**Comment 2-25 (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Provide walkable community. Although the objectives and features of a "walkable community" site plan design are discussed in the draft EIS, the proposed site plan does not incorporate any of the features presented on the "Walkable Community Alternative." In fact, the proposed site plan does not include any sidewalks or pathways with the exception of short access walks linking a road and parking court to the proposed community house.

We recommend that the Town require the inclusion of a complete network of sidewalks to link all residences on the site plus require the implementation of additional pathways, preferably suitable for biking and walking, to provide connections to nearby adjacent uses, most notably the North Salem Middle School/High School complex, an existing deli and Volunteer Park, all of which are in close proximity to the site. These sidewalks and pathways should be more extensive and complete than the pathways shown on the "Walkable Community Alternative."

***Response 2-25:*** *The plans have been revised to incorporate sidewalks, bridle trails, and walking trails within the boundaries of the subject property. A pedestrian path has been incorporated into the plan, thereby providing a connection to nearby uses including Volunteer Park and the North Salem Middle School / High School. Bridle and walking trails are further described in Response 2-29A-F, below. The paths are shown in Figure 1-5 Landscaping Plan and Drawings SP-2.1 and SP-2.2.*

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**Comment 2-26 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The pedestrian features of the “walkable community” alternative should be incorporated into the proposed action and additional pedestrian amenities / improvements should be considered. For example: A sidewalk connecting the three parking spaces near pool to the entrance. Separating the sidewalk along the main road from the roadway by pavers or landscaping. Connecting the units on the Road A cul-de-sac and along Road B to the common facilities. A single path through the wetland buffer / wetland area connecting to the adjacent Town lands. The location of the path should minimize disturbance and be as direct as feasible.

**Response 2-26:** *The pedestrian features of the walkable community alternative have been incorporated into the Proposed Action. Proposed sidewalks have been added to the entire length of Proposed Road “A”. A walking trail has been added that connects the proposed sidewalk to the adjacent Town land, southeast of the site. To limit the amount of disturbance, and future maintenance requirements the proposed sidewalks were not separated from the proposed roadway by pavers or landscaping.*

**Comment 2-27 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Accessibility for physically-challenged persons should be discussed, particularly for proposed MIH units and the common residential facilities. It would be appropriate for a certain percentage of the MIH units to include ADA access / measures. The FEIS should discuss the development’s ability to accommodate handicap-accessible improvements should such features be needed by future occupants, including the potential feasibility for installation of screening of such accommodations (e.g., ramps).

**Response 2-27:** *While there is no NYS or Town code requirement to do so, the applicant will make the MIH units accessible from the driveways to the walks and from the walks to and through the front doors.*

**Comment 2-28 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** On Page 2-5 (and elsewhere), the text describes stonewalls and wetlands as to be “preserved.” The text should be revised to provide a distinction between ‘preserved’ (which generally equates with permanent protections) and ‘proposed to remain undisturbed’.

**Response 2-28:** *All stonewalls and wetlands located within the Town regulated wetland buffers are proposed to be undisturbed (with the exception of small openings to allow bridle trail and walking trail access). Any disturbance in the wetland buffer, including the removal of stone walls would be subject to the Town wetlands requirements and subject to Planning Board review and approval. The applicant proposes to offer the Town of North Salem or a non-profit conservation organization (Section 501(c)), conservation easement(s) covering approximately 17.3 acres of land (approximately 43 percent of the site) as identified on the project plans. Therefore, any stone walls and wetlands located in the conservation easement would be “preserved”.*

**Project Description comments 2-29A through 2-29F relate to providing bridle trails on the proposed Site Plan. A response to these comments is provided below.**

**Comment 2-29A (Ms. Karen Kurrasch, Public Hearing, June 11, 2008):** My name's Karen Kurrasch and I'm a member of the North Salem Bridle Trails Associates. You know, the bridle trails and the horses are a big part of the culture here in North Salem and have been for many, many years. What is your intention with regards to the bridle trails that are existing and how will

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that fit into your plan here? MR. BALTER: Do you want to speak for that? CHAIRWOMAN CURTIS: It's -- the current proposal is that they are considering maintaining bridle trails around the perimeter of the property. As the process goes on, they probably will get mapped, but we don't know if there will be any changes. But right now, there is an offering to build some bridle trails. So I would stay tuned to see how they become permanent in the plan or not and if they get moved around.

**Comment 2-29B (Mr. Steve Mulligan, Public Hearing, June 11, 2008):** I'm speaking as the treasurer and president elect of the North Salem Bridle Trails. I'm very disappointed that there's a meeting, I don't have this person here with me tonight, didn't expect to be this surprised or I would have had more details, but there's a meeting between the bridle trails and representatives of the developers over one year ago, where we received multiple assurances that the bridle trails would be incorporated into the plan. I find it greatly disturbing that this is a stay tuned, sorry, Ms. Chairman, but to use your term, "A stay-tuned issue." There are multiple wetlands on the property, and we know on the bridle trails as we build new trails of this becoming ever increasing an issue for us. So I think it's greatly irresponsible that we were assured that that would be included and that we don't see it in the plan tonight and we look forward to your response on that.

**Comment 2-29C (Letter #12 Ms. Jessica Bacal, Westchester County Planning Department, July 23, 2008):** Since the area is known for its many horse farms and riding trails, it is recommended that all existing horse trails be maintained, or, if necessary, partially relocated. Creation of walking trails on the property should be encouraged, perhaps linking up with the nearby high school and its outdoor track.

**Comment 2-29D (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Preserve horse riding trails. The draft EIS notes that there are several marked horse riding trails existing on the property but does not explain/identify the locations of those trails, what types of development protections (if any) those trails enjoy or what will become of the trails after the proposed development is constructed. Since the draft EIS does note that the applicant is working with a local land trust to permanently preserve portions of the site that are not proposed for development, we encourage the applicant to take steps to preserve these trails (or portions of these trails) for public use. The trails should be identified on the site plan. It may also be possible to use these trails to obtain access between the development and the nearby park and school complex.

**Comment 2-29E (Mr. Jeff Carter, Public Hearing, June 11, 2008):** Also, we have riding trails throughout our property. There's a riding trail that runs currently through here. And if the riding trail is relocated, so that it can be reserved, and is relocated in the buffer zone, again, we are very concerned that the robustness of that buffer be maintained.

**Comment 2-29F (Letter #20 Edward & Ervin Raboy, E&Y Operating Corp., July 31, 2008):** Our riders, and those from other neighboring farms, depend on access through this property to reach the North Salem trail system. Without it, they would have to travel much further along the side of June Road (which is both difficult and dangerous) to reach a point of access to the NS trail system. For this reason it is extremely important to us that there be a permanent right for horse riders to travel over designated paths on the Salem Hunt property that lead into the NS trail system.

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At the meeting it was indicated this would be done. We earnestly request the Board to make sure that specific, permanent, legally binding covenants and obligations to this effect are entered into by the developer and condominium association as a condition for any final approval of the Plan.

**Response 2-29A-F:** *The applicant has included bridle trails on the FEIS plan. In addition a walking trail will be provided that connects the proposed development to the nearby Town owned lands located southeast of the site, including Volunteer Park and the Town Middle School/ High School complex.*

*Based on several conversations with the Lead Agency and the North Salem Bridle Trails Association (NSBTA), the applicant is agreeable to granting a non-exclusive bridle trail easement to the NSBTA for the "construction" and maintenance of trails. "Construction" would involve the placement of signs or blazes on trees and the clearing of brush or branches. The trails would involve no grading or placement of any fill. Establishment and maintenance of the trails will be the obligation of the NSBTA, and use of the trails will be subject to the rules established by the NSBTA, including restricted or prohibited use of the trails during the wet season. If the applicant and the NSBTA enter into such an easement agreement, the use of the trails would be open to residents of Salem Hunt as well as for equestrians utilizing the Town's existing trail systems.*

*The trail system would be approximately six feet in width and would run along the northern edge of the property, as well as along the southern edge of the site. Proposed trail routes are shown in Figure 1-3 Proposed FEIS Site Plan and Drawings SP-2.1 and 2.2 Layout and Landscaping Plan. The trails would allow equestrians to cross the site, entering at June Road and exiting the site at an existing bridle trail at the western edge of the site. The trail has been relocated in the north-central portion of the site (Wetland B and C) to avoid the wetland buffer, to the extent possible. Given that no grading or filling is proposed, the trails are not considered disturbance to the Town and NYSDEC wetland buffer.*

*At the request of the Lead Agency and its consultants, a pedestrian connection is being provided from the Salem Hunt development to the Town owned land located southeast of the project site. The walking path would provide access to Town owned land, Volunteer Park and the North Salem Middle School/ High School. The path would run from near the proposed recreation center in a southeast direction across the wastewater disposal fields to the southeast corner of the site (see Figure 1-3 Proposed FEIS Site Plan). The location of the path would be marked by signs and no grading, filling or placement of stone or woodchips is proposed, other than through the SSDS area.*

*A six-foot wide foot bridge would be provided to cross the stream in that portion of the site. As described above, construction of the bridge through Wetland D will require wetland permits from the Town of North Salem, the NYSDEC and the US Army Corps of Engineers. The construction of the footbridge and the path through the NYSDEC wetland are contingent on receiving these approvals.*

**Comment 2-30 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** We should obtain an as-built site plan attesting to the fact that the build structures, road, paving, and planting match what is being proposed.

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**Response 2-30:** *Comment noted. The Architectural Review Board will be provided with "As-Built Plans" in accordance with the requirements set forth in 200-15(B) of the Subdivision Regulations, following the construction of the project.*

**Comment 2-31 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Note; the adjacent (northwest) property driveway will be relocated. Has the owner of that property been consulted?

**Response 2-31:** *The adjacent property owner has been consulted about the driveway relocation. The project engineer met with the property owner to discuss the driveway relocation, survey information and the location of the County right-of-way. The project engineer confirms that the survey information used by Insite Engineering is correct. Based upon the currently proposed entrance and emergency access, the neighbor's driveway will be relocated approximately 40 feet to the north.*

**Comment 2-32 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** There appears to be no pool area site lighting. Will any be installed?

**Response 2-32:** *Bollard mounted lighting (3.5 feet in height) will be installed in the pool area. These lights will be screened from project residents by landscaping around the pool area. The location of lights and a detail of the bollard lighting is provided on Drawing LP-1.*

**Comment 2-33 (Letter #2 Christopher & Julia Tolman, Residents, June 11, 2008):** We recently considered moving to another town close-by. Among those we considered were Bedford, Pound Ridge, Ridgefield and Chappaqua. Ultimately we could not bring ourselves to consider leaving a town we enjoyed so much for all of its uniqueness. We feel we would like to stay here for good. There is not another town like North Salem. We shouldn't try and change what we are and sacrifice what makes this place so special.

**Response 2-33:** *Comment noted.*

**Comment 2-34 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Are roads (& radii) large enough to accommodate delivery vehicles. Turning radii within the site seem tight for delivery & emergency vehicles.

**Response 2-34:** *The DEIS included an analysis of turning radii for emergency vehicles and delivery trucks. (see page 9-7 and Drawing TR-1). Proposed turning radius would be adequate for such vehicles. A revised Turning Radius Plan is provided with the attached plans.*

*The project engineer has completed an analysis of turning radii, which evaluates the ability of trucks, including emergency vehicles, to access the site from June Road as well as access on internal roads. A Turning Radius Plan was provided as Drawing TR-1, in the DEIS and a revised Turning Radius Plan is attached. Adequate turning radii are provided at the site entrance on June Road and on internal road intersections and curves.*

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**Comment 2-35 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Note- At least 1,000 trees will be lost. Will North Salem be compensated for this significant loss of trees?

**Response 2-35:** *Development of the Salem Hunt project will result in the loss of a large number of trees on the 20.3 acres that will be disturbed for construction. As described in the DEIS and this FEIS, the project was designed to reduce site disturbance and tree cutting to the extent practicable (see Section 1.2 Summary of Plan Changes and Improvements). The existing vegetation on nearly one-half (approximately 18 acres) will be preserved in a conservation easement offered by the applicant to either the Town or a non-profit organization.*

*While the larger mature trees on the property cannot be replaced, the applicant has proposed a substantial landscaping plan, which will mitigate the loss of trees resulting from construction. The Layout & Landscape Plan (Drawings SP-2.1 and 2.2) provide the locations and layout of plantings and a specific plant list. Proposed landscaping includes 187 evergreen trees, 77 shade trees, 95 flowering/ specimen trees and over 500 shrubs and ground covers. The subsurface wastewater disposal area will be planted as a wildflower meadow, to reduce the area of lawn in the development and to provide edge habitat for birds, and small mammals and reptiles. In addition, the applicant has proposed buffer enhancement planting in the wetland buffer east of Wetland A and in the buffer of Wetland D, south of the entrance drive (See Section 6.0 Wetlands/Watercourses and Buffers).*

**Comment 2-36 (Letter #2 Christopher & Julia Tolman, Residents, June 11, 2008):** North Salem has done a much better job than many towns at preserving the high-quality, low-density country way of life that most of us moved here to find. A project of this size in a town of this size can have very serious, detrimental effects. Potential stresses on our number of schools, infrastructure and wetlands are among a few of the obvious risks. Not to mention the sheer number of ordinances to which this project would be in opposition.

**Response 2-36:** *As described in Section 1.0 introduction, the project will not require variances from the North Salem Zoning Code. The project has been specifically designed to reduce and minimize its impact upon schools by limiting the number of bedrooms in the units. Impacts to Town infrastructure and services will be mitigated by privately owned and maintained roads, on-site recreational facilities, and private on-site water and sewer services. Impacts to wetlands is discussed in Section 6.0 Wetlands and Watercourses.*

**Comment 2-37 (Letter #2 Christopher & Julia Tolman, Residents, June 11, 2008):** There are a number of towns in our area where condominiums/condensed community living is well suited and available (Brewster, Mt. Kisco, Somers, Danbury, Yorktown among others). Furthermore, given the current state of available supply and dropping home prices, we hardly need to bring significantly more supply to the market. even if the price points are different than many single family homes currently for sale in our community, the laws of supply and demand dictate this project would have a deleterious effect.

**Response 2-37:** *The Salem Hunt project site was selected by the Town for multi-family housing when the parcel was zoned R-MF/4 Multi-family Zoning district in 2000.*

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**Comment 2-38 (Letter #14 Ms. Fay Muir, CWCWC, July 28, 2008):** We question whether a Homeowners' Association is the best entity for maintaining the complex systems that are needed in this development to maintain the community water supply system, the 16,000 gpd sewage disposal system, the stormwater facilities and internal roads.

The stormwater facilities along comprise two stormwater basins in series (1.1P and 1.2P) and a treatment train consisting of a swale and two stormwater ponds (2.1P and 2.2P). This would require dedicated attention, expertise and a reasonable degree of continuity among the members of the Homeowners Association. Clearly, there is no guarantee that this will occur. The applicant should be asked to contribute a significant amount to an escrow account to enable the Town to provide the needed oversight.

**Response 2-38:** *Many municipalities refrain from taking on the responsibilities of privately held infrastructure. The Homeowner's Associations will contract with a professional management firm who will retain the appropriate qualified contractors to carry out most if not all of the maintenance responsibilities for the property.*

*The NYSDEC General Permit regulations (GP-0-08-001) for stormwater management during construction have specific detailed inspection and monitoring requirements. In addition, Chapter 193 of the Town of North Salem Town Code (the Stormwater Law), establishes requirements for inspection, monitoring, and maintenance of temporary erosion and sediment controls, to be implemented during construction. The Stormwater Law also describes requirements for inspection and maintenance of post construction stormwater management facilities.*

### Construction Monitoring

*Related to construction, Section 193-12(A) and (B) of the Code require:*

*1. That the applicant shall at all times properly operate and maintain all stormwater treatment and control facilities which are installed or used by the applicant to achieve compliance with the Code conditions. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50 percent.*

*2. That the applicant or their representative, shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be delivered to the Town Stormwater Management Officer (SMO) on a weekly basis and also copied to the site logbook.*

*In addition, Section 193-14(A), (B), and (C) of the Code require the owner or operator of permanent stormwater management practices (SMPs) to operate and maintain the stormwater management practices to achieve the goals of the Code. Proper operation and maintenance also includes, at a minimum, the following:*

- A preventive/corrective maintenance program for all critical facilities and systems of treatment and control.*
- Written procedures for operation and maintenance and training new maintenance personnel.*

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- *Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 193-11 of the Code.*
- *The Town of North Salem SMO may require such inspections as necessary to determine compliance with chapter 193 at various stages in construction to examine erosion and sediment controls and SMPs. Inspections may be conducted by the Building Department or the Town's Consulting Engineer. The person conducting inspections may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved.*
- *To obtain inspections, the applicant shall notify the Town of North Salem enforcement official in writing at least 48 hours before any of the following as required by the SMO:*
  - (a) Start of construction;*
  - (b) installation of sediment and erosion control measures;*
  - (c) Completion of site clearing;*
  - (d) Completion of rough grading;*
  - (e) Installation of SMPs;*
  - (f) Completion of final grading and stabilization of disturbed areas;*
  - (g) Closure of construction;*
  - (h) Completion of final landscaping; and*
  - (i) Successful establishment of landscaping in public areas.*

*If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the SMO.*

### Post Construction Monitoring

*The SMO is responsible for conducting inspections of SMPs or delegating such inspections to the Town's Consulting Engineer. Applicants are required to submit as-built plans for any stormwater management practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.*

*The Code also describes several inspection programs, including: routine inspections; random inspections; or inspections based upon complaints or other notice of possible violations. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.*

*When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town the right to enter the property at*



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*reasonable times and in a reasonable manner for the purpose of inspection as specified in Chapter 193-13 of the Code.*

*The Code describes the requirement and process for establishing funds for inspections and monitoring by the Town, both during construction and for the long term maintenance and operation of the stormwater management facilities.*

*As established in the DEIS and FEIS, the Applicant will engage a Certified Erosion and Sediment Control Professional/Certified Professional in Stormwater Quality, or other equally qualified inspector, to oversee implementation of the Erosion and Sediment Control Plan and of the post construction stormwater controls, and to satisfy the Town's inspection and monitoring requirements.*

**Comment 2-39 (Mr. Jim Carter, Public Hearing, June 11, 2008):** My name's Jim Carter. And my wife, Theresa Havell, and I are neighbors in the Balter project here. In fact, our house is shown right here. We're the southern neighbors. And as Mr. Balter explained, the setback from the line of our house has been in the plan, it moved from 50 feet to a hundred feet. And there's maybe another hundred feet between our house and the back line of the development.

Now, naturally, the development of that sort will have environmental and property value impacts on us, and presumably, on other neighbors, but perhaps most of all upon us. And so the robustness of that border if this plan is approved, is obviously of very great importance to us. We've had discussions with Mr. Balter about that.

**Response 2-39:** *The landscaping and buffer treatment along the Havell property line is shown in Figure 1-5 Landscaping Plan, and in Drawings SP 2.1 and 2.2 Layout and Landscaping Plan.*

**Comment 2-40 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Tables 2.1 (and also 1.1) should be revised to include the required Stormwater Permit Plan Approval from the Town of North Salem Planning Board.

**Response 2-40:** *Comment noted*

**Comment 2-41 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The FEIS should describe the process / mechanism for handling any aspects of the construction process which will extend beyond the initial build-out (e.g., wetland mitigation monitoring, landscaping replacement / maintenance, etc.).

**Response 2-41:** *The applicant will be responsible for monitoring, and maintenance of plants and landscaping material, until full build-out and occupancy of the project. Once the project is fully occupied the homeowners association will have long-term responsibility for maintenance of the landscaping materials.*

**Comment 2-42 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** With regard to "Construction Phasing," it should be clarified that all erosion and sedimentation controls will be in place prior to any site disturbance, including clearing or grubbing of vegetation.

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**Response 2-42:** *The notes provided on Drawing SP-4.2 and SP-4.3 Erosion and Sediment Control Plan indicate that all erosion and sediment controls will be installed prior to any vegetation removal, grubbing clearing or grading.*