

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 31, 2009

Enclosed with this memorandum are the following items:

- 12-18 Letter from Robert G. Wasp, Harrison Commissioner of Public Works, dated December 28, 2009 regarding Beaver Swamp.
- 12-19 Letter from Leonard Jackson Associates dated December 23, 2009 regarding Project Home Run.
- 12-20 Litigation Update from the Corporation Counsel dated December 31, 2009.
- 12-21 Invitation by the Committee to Save the Bird Homestead to *Learn to Identify Trees in Winter* being held on Sunday, January 3, 2010 at 1:30 p.m.
- 12-22 Meeting notice for the week of January 4, 2010.

FJC/emmm  
Encs.



Town and Village of Harrison  
Engineering Department

ALFRED F. SULLA, JR. MUNICIPAL BUILDING  
1 HEINEMAN PLACE  
HARRISON, NEW YORK 10528  
Telephone: (914) 670-3102  
Fax: (914) 835-8064



December 28, 2009

Ms. Margaret Duke  
New York State Department of Environmental Conservation  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, New York 12561-1620

**Re: Freshwater Wetlands (Article 24) Permit Application #3-5528-  
00104/00001  
Update to Application – Reduction to Wetland and Adjacent Area  
Impacts**

**Beaver Swamp Recreational Facility  
Oakland Avenue, between Glen Oaks Drive and Osborn Road  
Town of Harrison, Westchester County, New York**

Dear Ms. Duke:

On behalf of the applicant, the Town / Village of Harrison enclosed please find two copies of each of the following plans in support of an update to the above-captioned application for an Article 24 Freshwater Wetlands Permit that was deemed complete by the New York State Department of Environmental Conservation (NYSDEC) on February 21, 2007.

1. Title Sheet
2. Layout Plan
3. Grading Plan
4. Landscaping Plan
- A-1 Brownfield As-Built 100 Year Flood Storage
- A-2 Proposed Grading 100 Year Flood Storage
- B-1 Original (2007) Wetlands Disturbance

- B-2 Proposed (2009) Wetland Disturbance and Mitigation
- C-1 Floodway Limits
- D-1 Earthwork Analysis

### **Background Information and Changes to Current Permit Application**

The Beaver Swamp Recreational Facility property received complete status on February 21, 2007 for a DEC Freshwater Wetlands Permit. A request for additional information from the DEC was sent on March 15, 2007, and the additional information was provided in a letter from Woodard & Curran dated March 29, 2007.

The original application was for the construction of portions of an outdoor recreational complex (Project Homerun) within State-designated Freshwater Wetland J-3 (Class II) and its 100-foot adjacent area. The project involved the re-development of a Brownfield remediation site by constructing one baseball stadium and field, one multi-purpose athletic field, and associated parking. The project as proposed included the filling and grading of approximately 0.39 acre of the State-regulated wetland and 1.7 acres of the wetland 100-foot adjacent area. Grading for the project was subsequently revised to reduce the wetland disturbance to 0.21 acres, as reflected on the "Proposed Conditions and Grading Plan" prepared in 2007 by Woodard & Curran.

To mitigate wetland impacts, the applicant had already undertaken a Brownfield remediation project on the site and provided 1 acre of enhanced 100-foot adjacent area. Further maintenance of the remaining wetland and adjacent area was also proposed to manage invasive common reed (*Phragmites australis*) and other invasive plants by treatment of identified areas of infestation, which will not exceed 9 acres, with the herbicide glyphosate and replanting with native species as needed. Finally, an area of "Proposed Upland Wetland Buffer" was proposed to be planted as a vegetated buffer to the wetland, and totaled 0.41 acres.

The project for which the DEC permit was filed has since been modified and scaled down by the Town. Construction of one baseball field, one multi-purpose field /grass area, a gazebo and walking path, and associated parking remain the activities proposed for the property. However, impacts to wetlands and wetland buffers have been reduced, and the area originally proposed as the "Upland Wetland Buffer" is now proposed to be modified by lowering the grade and planting a transitional wetland community to provide additional vegetated wetland area and flood water storage. The changes are show in the table below:

<b>Areas of Wetlands and Associated Habitats: Pre-Project, Accepted Permit Project, and Proposed Amended Project</b>			
	<b>Pre-Project</b>	<b>Accepted Permit Application Project</b>	<b>Amended Permit Application Project</b>
Wetlands	8.70 acres	8.30 acres	8.37 acres
Wetland Buffer	-- acres	0.41 acres	-- acres
Wetland Enhancement	-- acres	0.58 acres	0.58 acres
Wetland Restoration/Enhancement	-- acres	4.50 acres	4.83 acres
<b>Total</b>	<b>8.70 acres</b>	<b>13.38 acres</b>	<b>13.78 acres</b>

These changes, which are detailed on Drawing B-2, Current Wetland Disturbance and Mitigation Plan, dated December 28, 2009, prepared by Leonard Jackson Associates, include a reduction of 0.07 acres of direct wetland impacts and the addition of 0.33 acres of restored wetland. In addition, by proposing pervious pavement in the parking lots, upland impervious surfaces will be reduced, thereby reducing the impacts to water quality associated with the project.

### **Mitigation Design and Concept**

The 0.33 acre mitigation area consists of previously-disturbed wetland buffer which was part of the Brownfield remediation. This area was reclaimed and filled during the Brownfield remediation process, although it was not part of the area where contaminated soils were found. Up to two feet of surface soil is proposed to be removed from this area in order to bring the surface elevation of the soil closer to the groundwater level and the elevation of the adjacent wetland. This area will then be better able to support the wetland plants that are proposed to be installed to create additional wetlands on the property. The grading for this area is shown on Drawing Number 3, "Grading Plan," dated December 28, 2009, prepared by Leonard Jackson Associates.

If these amendments are deemed acceptable as modifications to Permit Application #3-5528-00104/00001, a detailed mitigation planting plan will be prepared for the site.

### **Regrading Plan/Earthwork Activities**

As stated in the letter report by Leonard Jackson Associates, dated December 23, 2009 and shown in the accompanying drawings, drawings 3 and D-1, this revised grading plan relies on a balance of cut and fill. The total imported material, consisting of topsoil and gravel for parking areas and walkways, is approximately 2,500 cubic yards. This amount is substantially less than the 10,000 cubic yards of fill stated in the

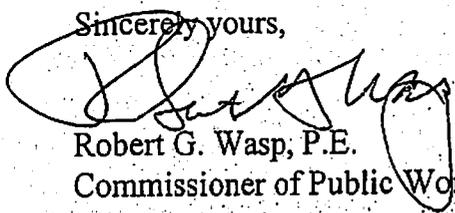
application currently on file with the NYSDEC.

**Flood Storage Volume**

As discussed in the letter report and accompanying drawings, drawings A-1 and A-2, by Leonard Jackson Associates, dated December 23, 2009 the proposed project, as regraded, provides for an increase in 100 year on-site flood storage volume from 8,399 cubic yards to 12,285 cubic yards.

On the basis of this technical modification to the Freshwater Wetland (Article 14) Permit Application which demonstrates a substantial reduction in the amount of imported fill, an increase in flood storage, reduction of wetland disturbance and an increase in wetland area (as mitigated), we respectfully request that the NYSDEC allow the permit process to move forward.

Sincerely yours,



Robert G. Wasp, P.E.  
Commissioner of Public Works

RGW/fmb

Attachment

- Cc: Daniel P. O'Connell, ALJ, NYSDEC  
Joan B. Walsh, Supervisor/Mayor, Town/Village of Harrison  
Frank Allegretti, Esq., Town/Village of Harrison  
Carol Krebs, Esq., NYSDEC  
Kevin J. Plunkett, Esq., City of Rye  
Kristen Kelley Wilson, Esq., City of Rye  
Michael G. LaDore  
Douglas B. Schaper



December 23, 2009

Town/Village of Harrison  
Alfred F. Sulla, Jr. Municipal Building  
One Heineman Place  
Harrison, New York 10528

Att: Robert G. Wasp, P.E., Commissioner of Public Works

Re: **Project Home Run**  
LJA # 09017

Dear Mr. Wasp:

The Project Home Run plans prepared by Leonard Jackson Associates dated December 28, 2009 reflect the following design goals.

1. **Flood Storage Volume:**

The volume of Beaver Swamp Brook 100-year flood storage on the site is increased as compared to the volume of flood storage available at the completion of the Brownfield project.

This conclusion is supported by our analysis of flood storage, imposing the 100-year flood elevation (EL 33.7 NAVD) on the as-built survey of the completed Brownfield project dated September 25, 2006 prepared by Contractors Line & Grade South LLC [Information Drawing A-1] and then on the proposed grading plan prepared by Leonard Jackson Associates (dated December 28, 2009 [Information Drawing A-2]).

The 100-year onsite flood storage volume of September 25, 2006 was 8,399 cubic yards. The proposed 100-year onsite flood storage is 12,285 cubic yards.

2. **Wetland Disturbance and Mitigation:**

- a) The proposed Project Home Run plans dated December 28, 2009, prepared by Leonard Jackson Associates disturbs less wetlands than the original plan dated October 2007 prepared by Woodard & Curran. The original plan disturbs 9,050 square feet of wetlands [Information Drawing B-1].

The proposed plan prepared by Leonard Jackson Associates disturbs 5,881 square feet of wetlands [Information Drawing B-2].

- b) The original plans provide no wetland creation area. The proposed plan prepared by Leonard Jackson Associates provides 14,454 square feet of wetland creation [Information Drawing B-2].

# Leonard Jackson Associates

## 3. Floodway – Beaver Swamp Brook:

The original Project Homerun plan dated October 2007 encroaches into the Floodway of the Beaver Swamp Brook. This Floodway has since been re-defined through the process of an approved Letter of Map Revision (LOMR) issued by the Federal Emergency Management Agency (FEMA) (effective date December 21, 2009). The proposed Project Homerun does not now encroach into the Floodway [Information Drawing C-1].

## 4. Earthwork:

The proposed Project Homerun plans have been graded in a manner that yields a balanced earthwork project. Cuts and fills are approximately 3,100 cubic yards from existing grade to finished subgrade.

Topsoil and gravel for parking areas and walkways must be imported to the site in the amount of approximately 2,500 cubic yards.

Note that all proposed pavements and walks are porous, except for handicapped parking spaces.

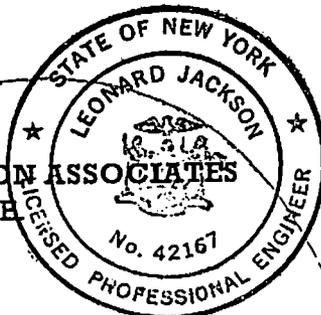
The following drawings are attached:

1. Title Sheet
2. Layout Plan
3. Grading Plan
4. Landscaping Plan
- A-1 Brownsfield As-Built 100 Year Flood Storage
- A-2 Proposed Grading 100 Year Flood Storage
- B-1 Original (2007) Wetlands Disturbance
- B-2 Proposed (2009) Wetland Disturbance and Mitigation
- C-1 Floodway Limits
- D-1 Earthwork Analysis

Very truly yours,

**LEONARD JACKSON ASSOCIATES**  
Leonard Jackson, P.E.

Lj/cb  
Attach.



P:\Word-Files\2009\09017\Bob Wasp 12-23-09.doc

Leonard Jackson PE PLLC dba Leonard Jackson Associates

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kevin J. Plunkett, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: December 30, 2009

**LITIGATION**

There was no activity this week in litigation affecting the City.

**CITY COURT**

There was no City Court calendar this week.

Respectfully submitted,

*Kevin J. Plunkett*

Kevin J. Plunkett  
Corporation Counsel

KJP/dfn

*The Committee to Save the Bird Homestead  
invites you to*

# Learn to Identify Trees in Winter

A walk through the Bird Homestead grounds and the adjacent Meeting House property led by Alison Beall and Megan Aitchison of Marshlands Conservancy.

Sunday, January 3  
1:30 pm



When the leaves are gone, you can still identify trees by examining their buds and other clues. You may bring winter twigs with buds from your own yard, too. Free and open to the public.

*Wear sturdy shoes or boots. Enjoy a cup of hot chocolate.*

Bird Homestead, 600 Milton Road, Rye, New York

For further information: [preservebiatory@earthblink.net](mailto:preservebiatory@earthblink.net) or 914-967-0383

**CITY OF RYE  
MEMORANDUM**

**TO:** Department Heads  
**FROM:** City Clerk's Office  
**SUBJECT:** Weekly Meeting Notice  
**DATE:** December 28, 2009

Meetings scheduled to be held during the week of January 4, 2010.

**MONDAY, JANUARY 4, 2010**

*Board of Architectural Review  
8:00 P.M.  
Council Chambers  
Mayor's Conference Room*

**WEDNESDAY, JANUARY 6, 2010**

*City Council Orientation  
9:00 A.M.  
Rye Golf Club*

*City Council Meeting  
8:00 P.M.  
Council Chambers  
Mayor's Conference Room*

**cc:** News Media  
Kerry Donahue