

March 24, 2023

RECEIVED  
PLANNING DEPARTMENT  
MAR 24 2023  
TOWN OF YORKTOWN

Mr. John Tegeder  
Director of Planning  
Town of Yorktown  
Albert A. Capellini Community and Cultural Center  
1974 Commerce Street  
Yorktown Heights, New York 10598

Re: Underhill Farms  
Underhill Avenue  
Yorktown, New York

Subj: Wetland Boundary Verification

File: 2478.001.001, Phase 14

Dear Mr. Tegeder and Members of the Planning Board:

Barton & Loguidice, D.P.C. (B&L) has completed a Wetland Boundary Verification for the proposed Underhill Farms multi-use development, located at 370 Underhill Avenue and proposed by Unicorn Contracting. To date, B&L has received the following documents for review that pertain to the natural resources at the proposed site:

- Aerial Photos – 2022-05-4
- Wetlands Delineation Report, dated April 18, 2022
- Site Plan Set – 2022-03-16 – (title sheet and existing conditions)
- Plans – Underhill Farms – 2023-03-06 – Rev with wetland line (dated March 2023)

### **Project Description**

A project is being proposed by Unicorn Contracting (Applicant) on tax parcel 48.06-1-30. This parcel represents approximately 13.78 acres of land. A wetland delineation was previously completed on the property during November 2020 by Tim Miller Associates, Inc. The wetland delineation report for this effort was submitted to the Town as part of the Site Plan approval application. B&L was tasked with reviewing and providing comment on the wetland delineation work, including completion of a field walkover to verify the resource boundaries.

### **Wetland Resource Review**

A B&L Wetland Biologist visited the project site on September 28, 2022, to visually verify the delineated wetland boundaries shown on the March 2022 plan set and detailed in the Wetlands Delineation document completed by Tim Miller Associates, Inc. During this visit, the field team was able to locate the delineated Wetlands A, B, and C; however there were questions on the delineated extents of Wetlands A and C. Based on the field conditions and findings from this visit, it was recommended by B&L that the wetland field delineation be re-visited. Further review of the west end of Wetland A, the areas west and south of Wetland B, and the land in-between Wetlands B and C were of primary interest to the B&L field team.



These initial site visit findings were provided to Tim Miller Associates, Inc. A subsequent site visit was completed on February 13, 2023, by wetland professionals from B&L and Tim Miller Associates. The west end of Wetland A was revisited; it was recommended by B&L that the extent of that wetland's boundaries be extended to the parcel limits to more accurately represent the resource. A side channel was also noted in the field draining to the northeast and into Wetland A. It was recommended that this water feature be shown on design plans as a linear watercourse. A culvert structure could not be found in the field at the upstream location for this watercourse, but the channel was well-defined and confirmed to discharge into Wetland A. An area between Wetland A and this added water channel was also revisited due to a dominance of common reed. It was determined that soils did not exhibit hydric soil indicators at this location and nothing needed to be added to the plans. Wetlands B and C were also re-visited during the February 2023 walkover. The delineated boundaries of Wetland C were extended to the north/northwest to include additional saturated areas. The delineated boundary of Wetland B remained as originally proposed.

B&L received revised site plans for Underhill Farms from the Town on March 8, 2023. These plans were reviewed to ensure that the wetland and waterbody features and boundaries were adjusted as recommended and discussed during the field walkover. It is noted that the aforementioned watercourse is labeled by the runoff channel callout on the Existing Conditions plan sheet. Aside from the Wetland A limits still not being closed or pulled to the parcel boundary, the revisions appear correct and accurately represent the limits of Town-regulated wetland and waterbodies observed on the property. Closing the Wetland A polygon would allow for an accurate assessment of acreage impacts to the resource, if any. The revised site plans also appear to accurately reflect the associated 100-foot protective buffer that gets applied to Town-regulated wetlands and waterbodies in accordance with Chapter 178 – Freshwater Wetlands and Watercourse Protection Law of the Town of Yorktown.

As far as the statements made in the Wetlands Delineation document from Tim Miller Associates (April 18, 2022) regarding how the on-site wetlands were created or modified, the findings on how the construction of the adjacent Beaver Ridge development and associated emergency access road impacted the landscape is certainly reasonable. B&L reviewed the aerial photographs provided in the Wetlands Delineation, and though it isn't conclusive as to how Wetland A has been changed or how Wetlands B and C were created, the findings included cannot be contested as implausible. The characteristics associated with Wetlands A, B, and C are not of the highest quality, but these resources, in conjunction with the on-site watercourse and pond, still provide certain functions and values that should be evaluated and considered when putting together a proposed wetland mitigation plan for the project, should impacts to the resources and/or buffer be proposed. A single plan sheet was previously submitted to the Town under the title of Conceptual Wetland Mitigation Plan, dated December 7, 2020. This mitigation plan was not reviewed by B&L; modifications to the plan are expected based on the revised wetland and waterbody delineated boundaries. The mitigation plan, when re-submitted, should include an evaluation as to why the resource losses are necessary and unavoidable, and should otherwise include the information specified in Chapter 178-17 – Mitigation policy and plan requirements.

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In addition to B&L's wetland review on behalf of the Town, a jurisdictional review should be performed by the U.S. Army Corps of Engineers (USACE) to determine whether or not impacts to the wetlands and/or watercourses would be federally jurisdictional. State mapped wetland does not exist on or near the property; therefore, based on current state regulations, a review by the New York State Department of Environmental Conservation (NYSDEC) does not appear to be necessary.

If you have any questions, please do not hesitate to contact me or Leigh Jones.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in blue ink, reading "Johanna E. Duffy", is placed over a light blue rectangular background.

Johanna E, Duffy, CWB®, PWS  
Senior Managing Environmental Scientist