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July 22, 2022

Town of Ossining Planning Board
John-Paul Rodrigues Operations Center
101 Route 9A - P.O. Box 1166
Ossining, NY 10562

ATTN: Carolyn Stevens, Chairperson

**RE: W.O. # 1783.01
ROSE LODGE, LLC
83 SOMERSTOWN ROAD**

Dear Chairperson Stevens and Board Members,

On behalf of Rose Lodge LLC (the "Applicant"), the owner of the property located at 83 Somerstown Road in the Town of Ossining (the "Property"), we respectfully submit this letter and referenced enclosures in connection with the Applicant's request for a Wetlands Permit and a Filling & Grading Permit (the "Permits") proposing to restore certain wetlands that were previously disturbed on the Property. As this Board is aware, our office initially submitted plans depicting the prior wetland disturbance at the Property in our submission dated November 22, 2021 (the "November 22nd Submission"), which was prepared in response to the Order to Remedy dated October 12, 2021 (the "Order").

Initially, the Applicant sought the requested Permits in order to construct a .46-acre sandy beach within the property. Since the November 22nd Submission, as is more fully shown in the enclosed wetland mitigation plans, the Applicant has revised Application and now proposes to restore the prior disturbance to its original condition. Accordingly, **the Applicant is not proposing to construct the beach within the property at this time**, and this Application is limited to restoring the prior disturbances in satisfaction of the Order.

In support of this Application, enclosed please find ten (10) copies of this letter together with a revised Short Environmental Assessment Form.

In further support of the revised Application, enclosed please find ten (10) full-size copies of the proposed Mitigation Plan as prepared by Princeton Hydro entitled "Regulatory Compliance and Design", Sheet 1 & 2 of 2, dated July 1, 2022, which depicts the prior wetland disturbance and the mitigation proposed in response to the comments received regarding the November 22nd Submission.

Additionally, we respectfully submit the following itemized responses to the comments contained in the Memorandum prepared by Nelson Pope Voorhis ("NPV") dated December 13, 2021:

GENERAL & PROCEDURAL COMMENTS

NPV Comment 1. SEQR. This project is categorized as an Unlisted Action under SEQR. The Planning Board should declare themselves Lead Agency.

Response: We respectfully request that the Planning Board declare themselves as the Lead Agency for the SEQR environmental review of the Application, if the Planning Board has not already taken this action.

NPV Comment 2. Wetlands Permit. The Applicant will need a wetland permit. A referral to the Environmental Advisory Committee for their review and comment is required as per Section 105-6(B) of the Wetlands chapter of the Town Code. A public hearing is also required per Section 105-7(B).

Response: The Application for a Wetlands Permit was submitted with the original application package on November 22, 2021, and an updated copy is enclosed herein. The Applicant respectfully requests that the Planning Board refer the Application to the Environmental Advisory Committee for review and comment. Additionally, the Applicant requests that the Planning Board consider setting the Public Hearing on the Application for the next available Planning Board meeting Agenda.

NPV Comment 3. Filling and Grading Permit. The Applicant will need a grading and filling permit from the Planning Board.

Response: The Application for a Filling & Grading Permit was submitted with the original application package on November 22, 2021, and an updated copy is enclosed herein.

WETLAND PERMIT COMMENTS

NPV Comment 1. Site Plan. The wetland area is delineated on the Site Plan, but the wetland buffer area is not. Please update the site plan to reflect the buffer area. If the Applicant is proposing to establish a sandy beach area, the Applicant should provide information as to how the proposed site plan will prevent the current conditions from taking place again in the future.

Response: The Town of Ossining wetland buffer of 100' has been added to the mitigation plan.

NPV Comment 2. Mitigation Plan. It is recommended that the Applicant be required to submit a wetland mitigation plan per Section 106-10 as part of its wetland permit application to restore the affected wetland area.

Response: A Wetland Mitigation Plan as prepared by Princeton Hydro is included as an enclosure with this submission who has significant surface water mitigation experience, which was specifically requested by the Planning Board. It is respectfully submitted that the enclosed Wetland Mitigation Plan satisfies the requirements detailed in Town Code Section 105-10.

NPV Comment 3. Proposed Grading and Filling. How much fill was imported? Was environmental testing of the sand conducted or is there a certification that the fill is clean? Please provide evidence that the sand is clean. Will there be any erosion and sediment control provided on-site? Please provide that information. The Town Engineer will review and provide comments on the plan.

Response: All sand that was imported has been removed. All fill material used to recreate the shoreline shall match native material removed during initial beach construction. Three (3) inches of leaf compost shall then be applied over entire planting area and blended into the fill material

The Applicant respectfully requests that the Application be calendared for the Planning Board's next available meeting Agenda for continued review. Further, the Applicant requests that the Planning Board set the Public Hearing on the Application and that the Planning Board to refer the Application to the Environmental Advisory Committee for review and comment.

In the meantime, should the Planning Board or Town Staff have any questions with regard to the foregoing, please do not hesitate to contact me. Thank you in advance for your consideration.

Sincerely,
Engineering & Surveying Properties, PC

A handwritten signature in blue ink, appearing to read "J Samuelson". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jay Samuelson, P.E.
Principal

encl: