

### 3.4 WILDLIFE RESOURCES COMMENTS AND RESPONSES

**Comment 3.4-1 (Letter 20, Enid Lang, May 23, 2005; Letter 12, Donna Genova, May 22, 2005; Letter 11, Pearl Seigler, May 21, 2005; Letter 16, Alice Kiely, May 22, 2005; Letter 7, Suzanne and Jeffrey Steimel, May 20, 2005; Letter 8, Frances and George Davis, May 20, 2005):** The project will drive even more wildlife onto our property than is already there. Animals displaced from the Yorktown Farms site and its wetlands will be forced to forage for food, water, shelter on nearby properties as a result of the proposed project. Deer are continually found on neighboring properties already. A disturbance to the frogs living in the wetland areas will allow mosquitoes to ravage the existing homes and our playing children.

***Response 3.4-1:*** As discussed in Section 3.4 of the DEIS, the site was historically utilized for agricultural purposes and therefore does not provide rich habitats for wildlife. The project will result in loss or relocation of many of the resident species of wildlife. Most would relocate to similar habitat in nearby areas, and wildlife that now utilize developed residential properties for foraging or shelter will continue to do so, including utilizing the new house sites within the project.

Wetland disturbance is minimized in the Revised Plan to two crossings and the fill sections have been designed such that small animals will be able to circulate through culverts under the roadways, thereby minimizing the adverse effects of these tow crossings.

**Comment 3.4-2 (Letter 12, Donna Genova, May 22, 2005; Letter 13, Vera Peitraniello, May 22, 2005; Letter 15, Ann B. De Felice, May 22, 2005; Letter 5, William and Laura Fox, May 20, 2005; Letter 17, Allison Lichtenberg, May 22, 2005):** Wildlife will lose a significant amount of their habitat. Impacts to wildlife need to be considered.

***Response 3.4-2:*** Chapter 3.4 of the DEIS describes anticipated, unavoidable impacts to wildlife resources as a result of construction and residential occupation of the proposed project. Under the Revised Plan, a total of 22.1 acres of the site will be affected as a result of clearing necessary for the creation of a residential subdivision on this parcel. This clearing will result in the alteration of portions of this site from successional woodlands and open fields to managed lawn and landscaped areas. Such impacts would primarily be the result of site activities during construction. Once construction is completed, site conditions will stabilize and favorable conditions for some of these species will be restored in areas left undisturbed. Wooded and un-maintained meadow and wetland areas will still encompass 21.7 acres, or approximately 50 percent of the site. Portions of the site that are to be left undisturbed will serve as habitat for many of the existing species that are dependent on woodland habitat. Since according to the NYSDEC, there are no rare or endangered wildlife species known to inhabit the site or nearby areas, no impacts to rare or endangered species are expected to result from the proposed project.

Chapter 3.4 of the DEIS further describes anticipated impacts to wildlife. These impacts are consistent with those incurred wherever medium density residential projects are built, and are not in any way unique to this property.

**Comment 3.4-3 (Letter 16, Alice Kiely, May 22, 2005):** Wildlife use the wetlands on the project site (such as deer, skunks, rodents, owls, snakes, wild turkey, owls, doves, many species of winter and summer birds, woodpeckers, falcons, bats, rabbits, turkey vultures, coyote, chipmunk, hedge hogs, red fox, green tree frogs and many other animals). Deer families, tree frogs and raccoons are examples of species that can be seen utilizing the wetland areas. These wetland areas need to be left undisturbed.

*Response 3.4-3: See Responses 3.4-1 and 3.4-2. Of the 5.62 acres of wetlands on the project site all but 0.25 acres, or 5.37 acres will remain undisturbed following construction of the project.*

**Comment 3.4-4 (Letter 16, Alice Kiely, May 22, 2005):** VS Construction Corp. does not account for the fact that the trees left will be on the property of the future homeowners. These homeowners have the right to further clear their properties of trees and shrubs, which they will most likely do after the developer has left. The developer does not take the responsibility of the actions taken by the homeowners, and minimizes the results on paper, yet the reality of the matter is quite different. Although the DEIS looks to be veritable on its face, its substance appears to be replete with hidden flaws that need to be closely investigated.

*Response 3.4-4: The proposed project includes preservation of portions of the open space parcels that would be offered for dedication to the Town for permanent protection. Homeowners could not legally remove tree cover from these areas. Future activities by the homeowners on their own properties would be subject to the regulations of the Town of Yorktown. It is noted that the engineer's plan includes disturbance areas on lots that may not need to be disturbed for project construction (for example, where no proposed contours are shown) but are shown as a conservative representation of the potential cleared areas.*

**Comment 3.4-5: (Letter 2, Bruce Barber, June 13, 2005):** Wildlife studies were not conducted in compliance with adopted Town of Yorktown Planning Board biodiversity policy. Applicant should provide dates and transect information of site inspections.

*Response 3.4-5: The wildlife assessment included in the Yorktown Farms DEIS was conducted during 2003 and 2004 and satisfies the Final Scoping Document for the DEIS which simply required that a wildlife assessment be included in the DEIS. Further, discussions with Town of Yorktown Planning Department staff indicate that the August 16, 2004 biodiversity policy noted by the commentor has not been adopted by the Planning Board.*

*The DEIS included detailed descriptions of on-site habitat types and a site-specific list of species common to the area that are expected to utilize the site and surrounding environment. The list was derived, in part, from "The Wildlife Resources of Westchester County," published in 1987 by the Westchester County Department of Planning. The DEIS list identifies common species that are likely to utilize the on-site habitats that were described in the DEIS, and identifies all species actually observed in the forested upland, forested wetland, scrub-shrub wetland, old field, hedgerows and stone walls. The Applicant notes that the species included on the DEIS list are those observed during on-site inspections as well as those identified by Westchester County and by consulting biologists for similar habitats on other nearby sites.*

**Comment 3.4-6: (Letter 2, Bruce Barber, June 13, 2005):** Applicant must also develop information with respect to habitat preservation and how this site is used in the landscape with respect to habitat and surrounding wetlands. Attention must also be given to species which use the rather open, grassland habitat of this site.

**Response 3.4-6:** *The proposed project has been revised to reduce the number of proposed residential lots and reduce overall site disturbance, thereby allowing preservation of existing wetland habitats, much of the adjoining wetland buffer habitats, and much of the stonewall / hedgerow habitat.*

*A review of aerial photography available from Westchester County, the NYSDEC, and private sources, revealed that the site was used for agricultural purposes until at least 1960 (see Figure 3.3-1 in DEIS Section 3.3, Vegetation). During the extensive period of farming prior to 1960, some 90 percent of the site, excluding some of the wetlands and steeper sloping portions of the site, was mowed or used as pasture. Subsequent aerial photos (DEIS Figure 3.3-2, from 1974, and Figure 3.3-3, from 1993) show the transition of parts of the site from agricultural fields to wooded areas.*

*As discussed in the DEIS, the open grassland habitat noted by the commentor was historically subject to active agricultural disturbances. This use having been abandoned, portions of the site are currently occupied by grasses with occasional shrubs that now provide habitat for small mammals (primarily rabbits and rodents), snakes and songbird species, which feed on seeds and berries. The open areas are now characterized by poor soil substrate as a result of the past agricultural activities, and as such, the vegetation community is very slowly developing into woods as the rest of the site has. The highest ecological value of this area is as an adjacent habitat type to the woods, where birds and small mammals can feed on the abundant seeds but retreat back under the woodline when a predator approaches. The field also provides a food source for higher predators, particularly owls and red tailed hawks.*

**Comment 3.4-7: (Letter 2, Bruce Barber, June 13, 2005):** Following completion of the biodiversity study, consideration must be given to preservation of important habitat for on-site species as well as those species which use the site during portions of their life-cycle (i.e. mole salamanders). A habitat preservation and enhancement plan should be developed and submitted.

**Response 3.4-7:** *See Response 3.4-6. The following habitat areas of the site are proposed to remain permanently undisturbed, or partially disturbed but left in a natural state, once the Revised Plan is fully implemented: the 5.1-acre open space parcel in the southeastern corner of the project which consists of second growth woods and wooded Wetland D; and the 4.7-acre open space parcel in the northwestern corner of the project which consists of wooded wetland, shrub/scrub wetland, and old field meadow. These areas are proposed to be offered for dedication to the Town so that the undisturbed areas within them (excluding the stormwater basins) will remain as permanently undisturbed habitat.*

*Additionally, the Revised Plan provides house lots of sufficient size such that portions of many lots can also be maintained in their current naturalized state: Lot 1 would provide a naturalized old field meadow buffer from Route 6 of about 0.78 acre; the rear of Lots 1*

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*through 7 would provide a buffer varying in width from some 20 to 50 feet of edge habitat contiguous to the adjacent undeveloped land to the east; the rear of Lot 12 would provide an area of about 0.14 acre of second growth woods habitat contiguous to the adjacent wooded land; Lots 14, 15, and 17 through 21 would provide areas at least 100 feet in depth of preserved habitat in the wetland buffers consisting of old field meadow, second growth woods, and the shrub/scrub wetland itself; Lots 16 and 22 would also provide undisturbed habitat areas up to 100 feet in depth adjacent to the wetlands on both east and west sides consisting of old field meadow and second growth woods; and Lot 16 would provide a mixed habitat area of about 2.45 acres at the rear of the lot consisting of wooded wetland, old field meadow, and second growth woods. Portions of stone walls and associated hedgerows would also be preserved in the Revised Plan.*

*While no formal habitat preservation and enhancement plan is proposed as part of this project, the above described areas could be afforded protection via dedication to the Town, through designation as conservation easements, or by virtue of being naturally wet and undevelopable.*