

Planning Board Meeting Minutes – October 18, 2021

A meeting of the Town of Yorktown Planning Board was held on **Monday, October 18, 2021 at 7:00 p.m.** at the Yorktown Town Hall Boardroom located at 363 Underhill Avenue, Yorktown Heights, NY 10598.

Aaron Bock called the meeting to order at 7:00 p.m. with the following Board members present:

- Rob Garrigan
- Bill LaScala

Also present were:

- John Tegeder, Director of Planning
 - Robyn Steinberg, Town Planner
 - Nancy Calicchia, Secretary
 - James W. Glatthaar, Esq.
-

Correspondence/ Liaison Reports

- There was no correspondence.
- There were no liaison reports.

Motion to Approve Meeting Minutes of September 27, 2021

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye” the Board approved the meeting minutes of September 27, 2021.

Motion to Open Regular Session

Upon a motion by Aaron Bock and with all those present voting “aye”, the Board opened the Regular Session.

REGULAR SESSION

Bird Bus Sales & Service

Discussion: Public Hearing
Location: 35.08-1-21 & 22; 3805 Crompond Road
Contact: JMC Site Development Consultants
Description: Proposed Bird Bus sales & service facility at former car dealership site on 2.71 acres in the C-4 zone.
Comments:

Upon a motion by Aaron Bock, the Board opened the Public Hearing. Paul Dumont, P.E. of JMC, was present. Mr. Dumont stated that the proposal is for the re-occupation of the former Kia Dealership with a Bird Bus Sales & Service facility which is a school bus dealership. The site is located at 3805 Crompond Road and zoned C-4. Since they were last before the Board, they met with the ABACA and have received their comment memo dated 10/8/21. The architectural and landscape plans have been revised and a lighting plan was prepared for review. They are scheduled for the next ABACA meeting agenda. The façade and interior of the front building facing Route 202 is proposed to be renovated. The rear garage building is proposed to be renovated and the roof will be raised to accommodate the height of the buses into the service area. Also proposed is a school bus storage area to the east of the site that will be screened by a landscaped island. The existing parking spaces in front of the building will be used for customer parking with employee parking to the rear of the property. The access to the property and one-way flow will be maintained. As requested by the ABACA, plantings are proposed on the west side of the site to soften the elevation of the garage facing the 202 Diner.

Mr. Bock asked the public if there were any comments and there were none. Mr. Tegeder asked about the islands that front Route 6. Mr. Dumont stated that there is a bus stop in one of the islands and some hardscape and gravel but the applicant is not proposing to do anything. Mr. Tegeder requested that photos of the islands be submitted to the Board. Mr. Bock noted the Westchester County Planning Department (WCPD) letter dated 10/12/21 and asked about the sidewalk comment. Mr. Dumont stated that he discussed this with the applicant and they do not have any plans to construct a sidewalk along the site frontage. He noted that there are intricacies with the permitting and NYSDOT requirements.

Mr. LaScala asked about the idling of the buses. Mr. Dumont stated that the applicant has no issues with an idling restriction. Mr. Garrigan asked how many buses are to be stored at the site. Mr. Dumont responded that there will be 48 vehicles in the storage area. Mr. Garrigan stated that if the site frontage could be softened it would be appreciated as it would help with the look of the corridor. Mr. Dumont explained that the property line runs immediately behind the islands so there is no part within the applicant's property. The islands are completely within the NYSDOT right-of-way so any plantings would be subject to NYSDOT permitting and would also be considered a use and occupancy which is essentially the NYSDOT allowing the applicant to use and maintain their land and would also add annual fees for the applicant. At this time, the applicant would prefer not to landscape those islands. Mr. Garrigan asked where the WCPD was suggesting to install the sidewalk. Mr. Dumont responded that it would be along the site frontage and noted that there are no sidewalks in that immediate area. Mr. Bock asked if sidewalks were done elsewhere on Route 202. Mr. Tegeder responded that the NYSDOT installed sidewalks when doing a road project in the area. He noted that when they did the Lexington Avenue light, sidewalks were installed in the area up to Savannah's Restaurant. They are required under their own policy to do pedestrian amenities where feasible. The Town has not done any in this area.

Mr. Tegeder requested for the applicant to note the pictures that show the signage. He also noted that the overgrowth on Garden Lane and Route 6 should be cleaned up and maintained. Mr. Dumont stated that the overgrowth on that side will be cleaned up and a row of arbovites are proposed and will make it more clear on the plans. The front of the dealership building does not have any landscaping since the façade has more architectural elements. Landscaping is also proposed to the side of the garage as discussed previously. Mr. Tegeder asked Mr. Dumont to provide photos from Garden Lane and the site's frontage for discussion at the next meeting. Mr. Bock asked if they could move forward with the project and look at the landscaping at a later date. Mr. Tegeder responded that they can and could request for the applicant to develop a landscape plan, and if there are plantings in the Route 6 right-of-way, they could implement a phasing plan so as not to hold the project up while any issues are being resolved. He noted that the Garden Lane side is a Town right-of-way and can require landscape beautification as part of the normal landscape plan. Mr. Garrigan asked if there were any issues with Garden Lane not being maintained. Mr. Tegeder responded that the section along the frontage is basically owned by the neighbors and not the Town.

The Board advised the applicant to work on the landscape plan and follow up with the Planning Department. Mr. Dumont requested for the resolution language to be worded in a way that does not tie the applicant to the NYSDOT for the landscaping of the islands.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the Public Hearing.

Granite Knolls Park Solar Project

Discussion: Public Informational Hearing

Location: 26.09-1-22; 2975 Stony Street

Contact: Bergmann PC

Description: Proposed 1.3 MW-AC community solar project including ground-mounted solar panels, solar carport system, and a battery storage system at Granite Knolls Park.

Comments:

Upon a motion by Aaron Bock, the Board opened the Public Informational Hearing. Eric Redding, P.E. of Bergmann, was present. Mr. Redding stated that the proposal is for the installation of a 1.3 MW AC solar system that consists of a 1.7 acre solar carport system and 1.5 acre ground-mounted solar panel system at the Granite Knolls Park facility. A plan set and application materials were submitted for review. The ground-mounted solar array is located mostly in the lawn area to the northeast portion of the site. A minor amount of tree clearing is proposed at the southeast edge of the ground-mounted array site to reduce the amount of shading on the system. The panels will be approximately 3-ft on the low end and 10-ft on the high end and will be fully enclosed within a 7-ft high chain link fence as per the National Electric Code. A wildflower pollinator friendly seed mix is proposed to be planted in the disturbed areas. The grass will be maintained as a meadow. The solar carport system is proposed to be installed on the gravel parking lot so there will be no increase in impervious surface. The proposed disturbance is under one acre so there are no stormwater treatment requirements for the NYSDEC or NYCDEP.

Mr. Tegeder asked about the height of the solar canopy. Mr. Redding responded that he thinks its about 12 to 15-ft in height but will provide the specifications to the Board. Mr. Tegeder requested that a viewshed analysis also be submitted for review. Mr. LaScala asked about the battery storage system and in particular what type of battery is proposed. Mr. Redding responded that he is not sure of the specifics but will provide the Board with more details. Mr. LaScala stated that the Board is concerned about the fire suppression system and asked if the battery system will be enclosed within concrete. Mr. Redding responded that they will be in a container but not concrete. Mr. Bock noted that there were no materials submitted for the battery storage system. Mr. Redding responded that they are working on submitting the application as it requires a separate permit. He will provide the cut sheet with details (manufacturer, size, type, etc.) and location for the system.

Mr. Bock asked the public if there were any comments. Public comments as follows:

- Jay Kopstein, Resident – Mr. Kopstein stated that he feels that the solar canopy is relatively unobtrusive. However, he feels that the ground-mounted solar array system is obtrusive and doesn't belong in a public park. He feels that this is a beautiful facility and not an industrial site. He thinks that the applicant demonstrated a lack of information this evening and feels the hearing should stay open until all information is submitted.
- Patrick Cumisky, Vice Chair of the Parks & Recreation Commission – Mr. Cumisky stated that he reviewed the details for the proposal. He thinks the plans submitted are devoid of information as to how it will impact the park. He noted the application has a few errors and reviewed them with the Board. He would like to see a construction schedule and requested for the construction to take place during the late fall into the winter so it won't affect the park's recreational programs. He noted that he will monitor the construction schedule closely since it will affect the sports activities. There is no excavation listed for the project operations. Where are the duct banks to be located as none are shown on the drawings. How will the drainage from the canopy system be collected and how will it affect the parking lot. He noted that the disturbance is more than what was stated. He feels that the proposed plans for the ground-mounted system does not take into account the topography of the site. He asked if there will be any interference with the existing utilities and if the applicant looked into as-built drawings for the site. He noted that there are no details for the solar carport or the battery storage system. Will emergency vehicles be able to get underneath the canopy. He is also concerned about the construction roads and thinks that they should be shown on the plans. He will submit his comments in writing to the Board for the record.

Mr. Bock asked Mr. Cumisky if HESP Solar LLC was an agency of the Town. Mr. Cumisky responded that to his knowledge, it was not. Mr. Bock asked if the Parks and Recreation Commission were in favor of this project notwithstanding all of the noted concerns. Mr. Cumisky responded that they were in favor of the project, but there are concerns with the topography at the site and the amount of fill that may be needed for the ground-mounted solar array area to make it level. The plans show a gate at their main entrance/exit into the area off of the overflow parking area which may also require fill. He also noted that he is concerned with how it will impact the existing drainage.

The Board advised the applicant to work on the details as discussed. The Board also requested more information on the solar carport and battery storage system.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Public Informational Hearing.

Roberta Front Street

Discussion: Request for 2nd One-year Time Extension

Location: 48.07-2-11,13,15,17; Front Street

Contact: Site Design Consultants

Description: An approved site plan for a 2,108 SF one-story building and a 5,370 SF two-story building on 0.80 acres in the transitional zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants, was present. Mr. Riina stated that they are requesting a 2nd one-year time extension for the approved site plan and noted that nothing has changed on the site plan.

Upon a motion by Rob Garrigan and seconded by Bill LaScala, and with all those present voting “aye”, the Board approved the request for a 2nd one-year time extension.

Mongero Properties, LLC

Discussion: Request for Re-approval
Location: 37.14-1-44; Saw Mill River Road
Contact: Site Design Consultants
Description: Request for a second one-year time extension of a site plan for a 3,848 SF bank on 2.2 acres in the C-1 zone approved by Resolution #09-28 dated November 9, 2009 and last reapproved by Resolution #18-17 dated October 15, 2018.

Comments:

Michael Grace, Esq. and Joseph Riina, P.E. of Site Design Consultants were present. Mr. Grace stated that he is representing Mr. Mongero. The applicant is requesting a modification to the approving resolution by removing the requirement to install a traffic light on Route 118. At that time, a bank was approved to be installed at the site and the decision for the traffic light was made by the bank voluntarily. This condition is keeping the property from being developed and noted that the site plan is approved for a 3,600sf building which at most would only require about 12 to 15 parking spaces. A traffic light and road improvements to a state road would cost close to a million dollars and is hindering the development of the site. The property is currently under contract but one of the conditions is to remove the traffic light requirement. He noted that the Yorktown Green is essentially vacant and Uncle Giuseppe's is moving from its current location. He thought that when the Yorktown Green site is revitalized it may make sense to consider a traffic light but at this point he feels that a traffic light for a 3,600sf building cannot be justified.

Mr. Bock stated that the application this evening is for an extension of the re-approval and noted that the application was approved in 2009 and extended a few times thereafter. He stated that this is the first time this issue is before the Board formally although he did recall a discussion about the impacts of changing this part of the site plan at an earlier meeting. However, they did not receive any information as to why the traffic light was put in the resolution in the first place and kept over the years and questioned if any analysis was done on the impacts if the traffic light were to be removed. He feels that the Board cannot make a decision to remove this condition without a supporting record. Mr. Grace stated that to require a traffic light for a 3,600 sf building with only 15 spaces seems to be an overreach and a burden to the development of the site. Discussion followed. Mr. Tegeder stated that part of the concern at that time and even today is that when the Board reviews a project they evaluate the ingress and egress into an existing network not only for the volume and impact to the level of service but also other factors related to safety in terms of the operation of the site and sight distance. He suggested for the applicant to provide a narrative that explains how this site will operate at that junction in the network without presenting serious safety issues to travelers using the intersection. Mr. Bock asked if the Board approved the re-approval would it stop further discussion on the request for a modification afterward and Mr. Grace responded that it wouldn't. Mr. LaScala felt that a 3,600sf building would not generate enough traffic to require a traffic light. Mr. Glatthaar stated that there is no factual basis to justify a change at this time. Additionally, they recently learned that amending a site plan, including amending a condition in the resolution, requires a public hearing. His recommendation would be to approve the extension for re-approval this evening. Mr. Garrigan asked about the origin of the traffic light. Mr. Tegeder responded that it came about during the review of the proposal. The question was what would happen when you add this 4th leg to the 3-leg intersection in terms of safety and operation, etc. As it turned out, the existing 3-leg intersection was already meeting warrants for a traffic signal. Mr. Bock stated that there also was a bypass discussion as part of the proposal. The Board agreed to move forward with the re-approval and keep the application open for further discussion on the traffic light modification.

Upon a motion by Rob Garrigan and seconded by Bill LaScala, and with all those present voting "aye", the Board approved the resolution re-approving the site plan titled Mongero Properties, LLC.

Colangelo Major Subdivision

Discussion: Request for 2nd 90-Day Time Extension
Location: 35.16-1-4; 1805 Jacob Road
Contact: Hocherman Tortorella & Wekstein, LLP
Description: Approved 6-lot subdivision in the R1-160 zone by Resolution #21-01 dated February 8, 2021.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that they are requesting a 2nd 90-day time

extension for the approved subdivision. They are in the process of finalizing the Health Department approval. The project attorney has prepared a draft of the legal documents, easement and agreements. Once approved by the client, the documents will be submitted to the Planning Board attorney for review.

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board approved the request for a 2nd 90-day time extension.

Motion to Close Regular Session and Open Work Session

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting “aye”, the Board closed the Regular Session and opened the Work Session.

WORK SESSION

Home & Hearth

Discussion: Site Plan
Location: 15.12-1-2; 1750 East Main Street
Contact: Site Design Consultants
Description: Proposed demolition of two existing buildings to construct a new 5,500 SF showroom/warehouse and 4,500 SF storage building on 1.99 acres in the C-4 zone.

Comments:

Joseph Riina, P.E. of Site Design Consultants; and Steve Marino, Environmental Consultant, were present. Mr. Riina stated that Home and Hearth is currently located in the Town of Cortlandt on Route 6 and are proposing to move their existing retail business to 1750 E. Main Street. The business sells fireplaces, wood burning stoves, kitchens, fireplace equipment and pellets. The proposal is for a 5,500 sf building that will include a showroom, rear storage area, loft for office use, and basement for storage. Also proposed is a 4,500 sf building that will be used for storage of the pellets and other supplies. The site is currently developed with two existing buildings that are proposed to be removed and a parking area that extends to the edge of the wetland. The new development will be within the footprint of what was already approved on the site. The entrance to the site is off of Route 6 with parking on both sides. The loading and dumpster areas are shown on the plans. The stormwater details were reviewed with the Board. A detention system is proposed under the parking lot for the 100-year storm with a rain garden to provide stormwater treatment. The wetland is a DEC wetland and will require a permit. Mr. Riina stated that they are scheduled to meet with the Conservation Board this week. A complete set of drawings and SWPPP were submitted to the Board for review and they are now requesting to move forward with a Public Hearing.

Mr. Marino stated that the site backs up against a DEC wetland that is associated with the Mohegan Lake outlet to the north. The proposal is for the redevelopment of the site that is to be maintained within the existing disturbed footprint. The proposed activity is consistent with what has been going on at the site for a number of years. The DEC wetland is relatively undisturbed past 6 or 8-ft from the edge of the property. The wetland has been delineated and approved by the DEC. The proposal, post construction, is an enhancement of the wetland buffer with plantings around the proposed rain garden as well as behind the buildings to soften the edge back to the existing wetlands. The primary issue with the wetlands in the back is the uncontrolled stormwater run-off. As mentioned by Mr. Riina, they are proposing a subsurface drainage system under the parking lot to capture and treat the water before it gets discharged into the wetland. Once the public hearing is complete, they will submit to the DEC for approval.

Mr. Garrigan asked if there were any issues raised with respect to the easement on the property. Mr. Riina replied that they are aware of the easement and kept the building back from it. He will provide more detailed information to the Board prior to the hearing. Mr. Tegeger asked where the pellets were to be stored and if they were considered to be hazardous material. Mr. Riina responded that they are proposed to be stored in the rear building and will look into whether they are considered hazardous material. Mr. LaScala thought that a fire suppression system may need to be installed. Mr. Glatthaar noted that the architectural drawings will be required for the hearing. Mr. Riina stated that they will proceed with the application to the ZBA with respect to the variance request for the rear building since the architectural feature on the roof will put it above the maximum height requirement. He noted that they were hoping to get a letter of endorsement from the Planning Board to the ZBA for the variance. Discussion followed with respect to the interpretation of architectural features and height variances. Mr. Tegeger questioned if the rear building was actually

considered an accessory building as you can have two main buildings on a commercial site. He is not sure if this would be considered an incidental use as it is part of the main use for storing materials for sale purposes. Mr. Glatthaar agreed. Mr. Riina stated that he will meet with the Building Inspector and the architect for clarification, but in the meantime will apply to the ZBA. Mr. Glatthaar stated that the ZBA could interpret if it would be considered a main building and not an accessory building. Mr. Tegeder requested that the architectural drawing be submitted prior to the hearing. In addition, he requested for the applicant to provide a map that shows the adjacent buildings. The Board had no issues with the overall site plan and agreed to move forward with a Public Hearing.

Grishaj Subdivision

Discussion: Subdivision

Location: 16.17-2-77; 3319 Stony Street

Contact: Site Design Consultants

Description: Proposed 10 lot subdivision on 8 acres in the R1-20 zone. Plan proposes to connect to High Point Drive and South Shelley Street.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Steve Marino, Environmental Consultant, were present. Mr. Riina stated that since the last meeting, they worked on the engineering details for the project. Stormwater testing was performed at the site in coordination with the Town Engineer. The grading is finalized. They changed the orientation of the two homes closest to Stony Street by maneuvering the lot lines so the backyards are not directly on Stony Street. The layout is the same as to what was shown previously. They still have the access from High Point Drive and South Shelly Street. The final configuration of the drainage is shown on the plans. The catch basins will collect the stormwater run-off from the road extending down into two subsurface infiltration systems. Each residence will have a rain garden for stormwater treatment. The main system in the corner is mostly for the road run-off. They are proposing a rip rap lined channel and check dams at the request of the Town Engineer as shown on the plans. The proposed homes will connect to the existing sewer and water. The roadway profile was discussed with the Board. A plan set and full SWPPP has been prepared and submitted for review. They are trying to maintain as much of a buffer along Stony Street as possible.

Mr. Marino stated that at the previous meeting there was discussion about the wetlands and how they were formed on the site. A portion of the wetland is proposed to be filled in order to access the lower part of the property closer to Stony Street as well as to provide a connection to Shelly Street. The red area shown on the plans is the wetland to be filled in and the yellow area is the new wetland that will be created on the site. Since the last meeting, they completed a comprehensive tree survey for the property and have identified 479 trees within the limit of disturbance for the proposal. Most of those trees are along the southern part of the property as well as within the northeast corner. They didn't identify trees in the wetlands as they do not plan on removing trees in that area. A detailed mitigation and planting plan will be provided to the Board. Mr. Bock noted that the tree plan should be forwarded to the Tree Commission for review. Mr. Riina stated that the next submission will include the mitigation and tree plan.

Mr. Tegeder asked about the condition of the drainage ditch on Scofield Road and noted that his recollection was that there was some erosion. Mr. Riina responded that it was existing and followed the Town Engineer's lead but does not have any issues with installing additional armoring of that channel if that is the consensus of the Board. Mr. Tegeder asked Mr. Riina to provide pictures for the Board's review. Mr. Tegeder stated that the two lots coming into the subdivision from High Point Drive appear to have little or no opportunity for a backyard and questioned if they were laid out well enough to be proper lots. Mr. Riina responded that they could re-orient the homes to face High Point Drive so the backyards will face south. Mr. Tegeder requested that the applicant preserve some trees at the rear of the lot for buffering purposes with additional evergreens. Mr. Tegeder stated that the High Point Drive cul-de-sac should probably be removed and become a standard width roadway. Mr. Riina responded that he will show it as a straight roadway. Mr. Bock stated that at the Public Informational Hearing there was a common theme about the access from Shelly Street and questioned if this was something they should consider removing and just have access on High Point Drive and if there were any options. Mr. Tegeder stated that they try to limit the length of dead ends for safety purposes and try to have connections which is what this is doing. In terms of options, you can connect to the other side. The Board could determine to not make that connection but need to be aware of the length of road that is created without an option for

emergency vehicles, etc. Mr. Riina will review the subdivision code and land development to see if there is any discussion about limiting the length of a cul-de-sac. Mr. Riina suggested that the Fire Commission review the plan for their comments. The Board requested for more information from the applicant before moving forward with a Public Hearing.

3717 Crompond Road LLC

Discussion: Pre-Preliminary Application
Location: 35.08-1-13; 3717 Crompond Road
Contact: Site Design Consultants
Description: Proposed demolition of the existing building and construction of a new 20,370 SF two-story warehouse/office building with associated parking and site improvements.

Comments:

Joseph Riina, P.E. of Site Design Consultants was present. Mr. Riina stated that the site is located at 3717 Crompond Road and was formerly known as the Windmill Restaurant. The applicant is proposing to construct a 20,370 sf warehouse building for use as flex space. The front of the building is proposed for retail space as well as accommodations for warehouse uses. In addition, a portion of the warehouse building will include a loft for office uses that will be accessed from the back side of Old Crompond Road. The property is currently served with Town water and sewer. Mr. Riina noted that this is a preliminary layout for the Board's feedback.

Mr. Garrigan asked if the entire site was commercially zoned. Mr. Riina responded that the site is zoned C-4 and the use is consistent with the zone. Mr. Bock asked about the impact to the Old Crompond Road access with respect to traffic. Mr. Riina responded that it would be dedicated to the office use for employee parking. Mr. Tegeder asked if it would be accessed from grade at the rear. Mr. Riina replied that it would and possibly internally from some of the spaces. Mr. Tegeder asked if the applicant would consider saving the windmill structure as it is iconic and associated with the history of Yorktown. He feels that it would enhance the building's retail business and also provide a pleasing entry. Mr. Riina stated that they are currently looking at the structural condition of the windmill. Mr. Tegeder suggested moving the building in a different way to reduce the impact from Old Crompond Road. Mr. Riina stated the plans are still being worked on. They still need to talk to the DOT about changing the entrances and eliminating two. The Board had no issues with the proposal.

Town Board Referral - Almeida Wetland & Stormwater Permit

Location: 37.19-2-23; 1875 Brookdale Street
Contact: Site Design Consultants
Description: Proposed wetland mitigation and stormwater management plan for expansion of existing usable yard area.

Comments:

Joseph Riina, P.E. of Site Design Consultants and Steve Marino, Environmental Consultant, were present. Mr. Riina stated that this application was referred by the Town Board and gave a brief history to the Board. Mr. Almeida was granted a tree permit to clear the left side of his property. The tree permit was granted for the removal of 77 trees. A wetland permit was also issued for minor cleanup work on the property. The original flagged wetland line was shown on the plans. During the cleanup, Mr. Almeida expanded into the wetland area to the right of the house and did some cleanup and cutting in the area. Photos were shown as to what the area looked like prior to the purchase of the house as well as photos of the current situation after the incursion into the wetland. For the most part, the wetland is fairly intact compared to what it was prior. The current photo shows the piles of brush and dead trees that were on the ground or cut down. During his cleanup he also removed an engine block, liquor bottles and debris in the wetland area. It was at this point that he received a violation for going into the wetland further than he was supposed to. A mitigation plan has been prepared by Steve Marino. He added that there are some concerns that Mr. Almeida would like to address on his property. There are several pipes along the back of the property from the neighboring properties that discharge onto his property that he is trying to resolve. He is also trying to gain more yard space. Mr. Glatthaar asked if all the pipes discharged toward his home. Mr. Riina responded that they did and noted that the original design was for a swale to be constructed along the back of this property and bring the water down to the wetland but the swale was never properly stabilized so it didn't stay in place. They are now proposing to install a hard pipe system and put a swale in to keep the property dry.

and take the water out and into the wetland. The drainage system was reviewed with the Board. Additionally, Mr. Almeida would like to slightly expand his driveway and they are proposing to provide two infiltrators to pick up the additional water. There are three existing infiltrators for the roof run-off and the driveway run-off for the original part of the driveway. He would also like to construct retaining walls as needed along the driveway. The shed is proposed to be moved slightly further up the hill. Trees are proposed to be planted along the entire property line to act as a buffer. A post and rail fence is proposed to act as a physical barrier to delineate the wetland area with the addition of some trees. Additional plantings are also proposed to screen the neighboring property. Mr. Tegeder asked how much of the wetland has been filled. Mr. Riina responded that 715 sf of the wetland is being filled as part of this application subsequent to the original application.

Mr. Marino stated that structurally the wetland hasn't been altered and is still intact. Some of the trees and brush have been removed but on the ground itself the substrate hasn't really been disturbed. The piles of brush and woodchips in the area currently will be removed as part of the mitigation. The proposed plantings will consist of a native seed mix and native shrubs that will tolerate shady conditions. He noted that the brush that was there previously was non-native. A post and rail fence is proposed to act as a physical barrier to demarcate the wetlands from the usable yard. 8 maples will be planted in the wetland and along the fence will be 9 evergreens. He noted that the plans will be updated to reflect the tree size as noted in the TCAC comment memo. The drainage swale is also proposed to be restored so if there is additional water flow from the properties to the west, it will flow through the wetland and ultimately get to the drainage channel. Mr. Garrigan asked if the water coming down would expand the wetland. Mr. Marino responded that the additional water would not make it wet for long periods of time as it sheet flows over the wetland into the drainage structure and noted that since it is on a slope it is not an issue. It would be more of a mucky situation than ponding. Mr. Tegeder asked how the 715 sf area that was filled will be mitigated. Mr. Riina responded that the amount of new wetland and buffer disturbance is a little over 3,500 sf and the mitigation proposed is 4,000 sf which could be expanded. Mr. Garrigan questioned if going forward this will be an unmaintained portion of the property. Mr. Marino responded that there is a provision for two years of maintenance to ensure that the plantings are viable but after that it will not be maintained. Mr. Garrigan asked about a conservation easement. Mr. Tegeder stated that the Board could ask for an easement which would protect the area from further development. Mr. Marino stated that functionally the wetland does hold water and does have water treatment value. Mr. Riina stated that they are meeting with the Conservation Board on Wednesday. Mr. Tegeder asked how many trees were removed in the wetland. Mr. Almeida responded that it was about 4 or 5 but they were already dead or fallen and he was told at that time if they were dead he could remove them. The Board requested for the Planning Department to prepare a memo to the Town Board noting that there is sufficient function in the wetland to accomplish the drainage and also note the possibility of a conservation easement. Mr. Almeida stated that he had no issue with the conservation easement.

Town Board Referral - Baptist Church Road Bridge Replacement

Location: Baptist Church Road
Contact: Jeffrey Busse, NYC DEP
Description: Request for a Wetland/Stormwater/Tree Permit to replace the Baptist Church Road Bridge over Hunter Brook adjacent to the New Croton Reservoir.

Comments:

No representative was present. The Board discussed the proposal. Mr. Tegeder noted that in their list of anticipated permits they listed wetland permit, MS4 permit, tree permit, Planning Board approval and Site Plan approval. He will look into this with the assistance of Counsel. The proposal is to remove the old bridge and install a new one. The Board had no issues. The Planning Department will compose a comment memo to the Town Board.

Motion to Close Meeting

Upon a motion by Bill LaScala and seconded by Rob Garrigan, and with all those present voting "aye", the Board closed the meeting at 9:24 p.m.