

Planning Board Minutes January 8, 2018

A meeting of the Planning Board, Town of Yorktown, was held on January 8, 2018, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca
William LaScala
Anthony Tripodi
Robert Garrigan, alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; and Mark Blanchard, Planning Board Counsel.

Fon thanked Michael Grace and Greg Bernard and welcomed working together with the new supervisor Ilan Gilbert and Alice Roker.

Fon thanked Nancy Milanese of the planning department for her 22 years of service to the town and wished her well in her retirement.

Correspondence: The Board received correspondence associated with agenda items.

Meeting Minutes:

Upon a motion by Tripodi, seconded by Savoca, and with all those present voting aye, the December 4, 2017 Meeting Minutes were approved.

Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the December 18, 2017 Meeting Minutes were approved.

REGULAR SESSION

Sandvoss Minor Subdivision

SBL: 59.07-1-7 & 8

Public Hearing

Location: 1005 Hanover Street

Contact: Site Design Consultants

Description: Proposed 3-lot subdivision on 13.857 acres in the R1-80 zone.

Upon a motion by Tripodi, seconded by LaScala, and with all those present voting aye, the Board opened the Public Hearing.

Joseph Riina, project engineer; Steve Marino, environmental consultant; and Dan Ciarcia, previous project engineer; were present. Riina stated that the project has been around for some time and he is the current project engineer for the subdivision. Riina stated that he has been working with the NYC DEP on their review of the plans. The Board is in receipt of a letter from the NYC DEP stating that the application is incomplete because it is missing the determination of significance from the Board. However, he still has been working with them towards their approval. The application is the same as it has been for many years, however the current revised plan is based on the NYC DEP's recommendations that pocket wetlands and rain gardens be added. The DEP also recommended relocating the common driveway in one area to reduce the amount of wetland impacted for the crossing. The common driveway is now along the northern property line of Lot 7.

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Riina stated that when the application was first processed, the project included 18 acres because it included an additional lot fronting on Hanover Street. This lot included the original home and a lot line adjustment was completed so this lot could be sold. A home is also proposed on existing Lot 8. A stream corridor runs through the property along with some wetland and flood plain areas. Riina stated the proposal is to subdivide Lot 7 into 3 lots. The site is in the R1-80 zone, therefore 80,000 square feet is required for each lot. All of the lots meet the zoning except for lot frontage. A variance was obtained for the 0 feet of lot frontage. There are two stream crossing with open bottom culverts. The driveway will terminate in a turnaround. Lots 7.1 and 7.2 will come off the turnaround. The driveway for Lot 7 will come off the common driveway closer to Hanover Street. None of the proposed improvements, aside from the common driveway, are in wetland or wetland buffer.

Riina stated that the previous engineer started the work with the NYC DEP and completed the septic testing with the Health Department. In order to comply with NYC DEP standards, the shaded portion of the proposed common driveway will be gravel or porous pavers. This is because the DEP does not allow impervious area within a stream corridor. Riina pointed out the proposed improvements on each of the proposed lots. At this point the NYC DEP has witnessed all soil testing. Each lot will have an individual well. Separation is shown around each well from the proposed septic and stormwater treatment.

Riina stated the applicant is requesting preliminary approval to be able to complete the review with the NYC DEP. Fon asked Riina to elaborate on the role of the NYC DEP. Riina stated that if the project is in the watershed, the NYC DEP becomes the lead in approving the stormwater aspects of the development. Their standards are more stringent than the NYS DEC standards that the town also follows. As an example, the stormwater quality volume for projects outside the DEP watershed is significantly less than required within the watershed.

Marino stated that he has been involved in the project since 2005 when he first delineated the wetlands. In 2014, the wetlands were reflagged and the Town's Environmental Consultant at the time confirmed them. At that point the wetlands actually got a little louder. The Town's Environmental Consultant asked for the biodiversity to be studied. A habitat assessment was completed. Marino showed an aerial of the site and surrounding properties. Next an aerial also showing the types of habitats and vegetative cover on the site were shown. Two water courses come from the north and meet on the property converging into one stream. Marino showed 1947 aerial photo of the site. There was a large cleared area associated with the existing home and a farm lane coming down from the farm. This led to a house close to where the home on Lot 7 is located. There was another cleared area in the area of Lot 7.2. These areas are both now tree covered with younger trees than the rest of the site. Marino showed a 2013 aerial of the site, which shows most of the site wooded. Marino's next figure overlays the limit of disturbance on the aerial. Part of the proposal is to create a 5.6 acre conservation easement over the stream and buffer area in the center of the site. A tree survey was done previously by someone else. The survey found 1,105 trees on the property over 6 inches in diameter at breast height (dbh) on the entire parcel. Of those trees, 127 trees are greater than 18 inches dbh. And of those trees, 37 trees will be cut down and 90 trees will remain. None of those to be cut are larger than 36 inches dbh. There are trees over 36 inches dbh on the site and they will all be preserved. Most of the trees on the site over 18 inches are different varieties of

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oak trees. Marino stated that the applicant will put a package together to comply with the Town's tree ordinance. Marino summarized his habitat study. Site visits were made on three separate afternoons. In Marino's opinion, the steep slopes and stream corridor are the most important habitat on the property. The stream is likely to support water dependent species. This area will remain available in the future with the conservation easement.

Fon stated that the Board did receive a letter from Verma Engineering & Consulting. Riina stated that he reviewed the letter and can address it tonight if needed.

Tim Glass, 270 Colonel Greene Road

Glass thanked the Board for listening to the neighbors and granting this public hearing. Glass pointed out that only one member of the current board was on the board during the 2009 hearing. Since then, Hurricane Sandy in 2012 caused many down trees on this property. Glass stated that there are so many relevant issues to this development. First, the agenda states the application is for a three lot subdivision and it should be a four lot subdivision because a 4th home is proposed on Lot 8. Second, the new wildlife habitat assessment makes little mention of mammal species. Rabbit and bats are not mentioned in the assessment. The EAF lists slopes to be disturbed. When you develop, you run into drainage, flooding, and pollution. Stormwater is the biggest concern. Rain gardens require strict adherence to a maintenance schedule. Will future homeowners even know to take care of this? Any plan using rain gardens must spell out the proper maintenance. The applicant is proposing three new septic systems. This will eventually go to the stream and to the reservoir. The tree survey must be redone since a lot of time has passed. A 9 year old tree survey should not be acceptable to the Board. The SWPPP was done in January 2016 and plans revised many times since then. In addition, the SWPPP was not available in the Planning Department for anyone to review. Croton Heights is a very special place to live and the home values reflect that. People choose to live here to avoid this type of development being proposed.

Raul Verma, Verma Engineering & Consulting

Mr. Verma is the engineer hired by the neighbors to review the development. Verma stated that in his opinion, the SWPPP remains incomplete. Verma was not able to obtain the latest submission. Verma thought there would be some sort of engineering design report for the proposed septic systems. Verma stated the Full EAF had a few unanswered questions and some discrepancies between answers. In Verma's opinion, the proposed plans do not meet preliminary approval for a subdivision.

Michael Hickins, 1175 McKeel Street

Mr. Hickins stated he chose the Croton Heights neighborhood to live because of the beautiful rural type living yet still with all town services. Hickins stated he was speaking on behalf of his 21 month old son. Hickins is from the city and has loved living here for the past 4 years and all the animals that are supported by the wetlands. What is concerning is the addition of more people on land that didn't used to have that many people. These people will be driving more cars, require more services delivered, and cause more traffic. This development willfully ignores the spirit of the neighborhood. We need to balance the commercial interest of some with the interests of the whole.

Patricia Johnson – 427 Spring Drive

Johnson stated that she is a Herpatologist and NYS Class II Rehabilitator. Johnson stated the town

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should obtain a third-party independent review of the wildlife assessment and asked if the Army Corps had reviewed the project. The residents should get to review National Heritage correspondence. Johnson stated there are vernal pools on the Sandvoss property. In Johnson's opinion, the applicant made site visits to the property at the wrong time of year and questioned where the wetland mitigation would be. Johnson stated that the Sandvoss property is part of a wildlife corridor. Stormwater rain gardens are not appropriate for habitat. What would be the hours of operation? The applicant noted N/A in answer to this question, but is that asking construction hours? The EAF lists no species of special concern. Johnson stated this is wrong and that many species of concern are on the site. Johnson monitors turtles in the area. Turtles do not move from development because they have site fidelity. You need to know where the animal is using the habitat. Only 8-10 species of birds were mentioned. The applicant could have checked ebird.com to see that there were more. Hanover Farm has reported over 40 species. Johnson stated the site is a known bat habitat and therefore the construction time should be required to follow the roosting restrictions. There are also strict guidelines on how many trees must be preserved per acre. Johnson asked why the plan proposes to cross the stream twice. Why can't they develop close to Hanover Street so not crossing the wetland at all? The EAF stated there are no archeological sites. The Hudsonia site is not far from this location so archaeology on the site should be assessed. In Johnson's opinion, the stormwater quality volume should not be so conservative given climate change.

Sheila Schraier – 300 Colonel Greene Road

Schraier stated she moved to Croton Heights in 1975. With increasing development she has had floods of 2-3 inches in her basement. As a result, she spent money redoing the basement and installing curtain drains around the home. Schraier is concerned this development will cause flooding again. A mature oak tree pulls 50-100 gallons of water a day from the soil. Whatever number of trees they are going to remove, will cause flooding because this water will no longer be drawn by the trees. Schraier questioned why the EAF stated the property will not have more than 1,100 gallons of oil on the site. That is only possible if each home only has tanks of 250 gallons each. Normally residential tanks are around 400 gallons each. Schraier questioned where the solid waste will go. The EAF indicates there will be no solid waste during construction. This doesn't make any sense. There is also a lot of rocks on the site. If there is bedrock, how can the applicant say there won't do any blasting? Then later the form indicates there will be blasting, but doesn't say when. There is also no response to question E3h.

Steven Filler, 1270 Segunka Drive

Filler stated the applicant has had 12 years to complete the paperwork for the proposed development and has not been able to do so. The application still needs more work because what is submitted is not complete. A cluster development should be considered. Filler is concerned where the common driveway comes out onto Hanover Street at a curve. This is a dangerous spot even with just 4 homes. Given the fact that it's been so long and application is still not complete, the public should be able to make comments when the info is submitted.

Linda Miller, 2667 Dunning Drive

Miller stated the wildlife habitat assessment contains statements and omissions that are inaccurate. The report states that on both site visits the stream was dry, but that it is apparent it runs. Why then weren't site visits made when the stream was wet? The report states that clearing and increased

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runoff will have no effect. Miller feels the quality of wetlands was not given full importance. The Board should not just consider crossings, but also the impervious surfaces, effects on the stream, and steep slopes. The report does not mention ledge formations on the site. These questions should be answered. There are several issues that need to be further investigated.

Regina Blakeslee, 1004 Cliff Road

Blakeslee stated that the development is a minor subdivision, but it is a major development to our neighborhood. Blakeslee stated that she is a bee keeper and volunteer at Hilltop Hanover Farm. The bees continue to die. Increased development continues to increase the water flow through the farm and through our neighborhood. Combine this with extreme weather. This land is special.

Tegeder stated the Board can ask the professional team to address the questions that have come up. Savoca stated that the Town Engineer has not had enough time to review the project either as his memo requests 30 days to review the submitted materials.

Upon a motion by Savoca, seconded by LaScala, and with all those present voting aye, the Board adjourned the Public Hearing.

*Comments made by speakers at the public hearing that were submitted to the Planning Department are attached at the end of these minutes.

2040 Greenwood Street

SBL: 37.15-1-38

Public Informational Hearing

Location: 2040 Greenwood Street

Contact: Site Design Consultants

Description: Proposed 1 1/2 story commercial building and associated parking on 5.71 acres in the C-4 and R1-40 zones.

Upon a motion by Savoca, seconded by LaScala, and with all those present voting aye, the Board opened the Public Informational Hearing.

Joseph Riina, project engineer, and Steve Marino, project environmental consultant, were present. Riina described the project site. The applicant proposes a 1 1/2 story commercial building. The building would be a warehouse style that would suit the C-4 zone. There is no tenant yet. The rear of the site would be a gravel parking area. The proposed building is 6,000 square feet and meets all the C-4 zone standards. There is a wetland on the site. A majority of the project is located in the wetland buffer. A stormwater management area will be proposed to the left of the driveway for runoff from the street and driveway. The building is currently shown facing the entry, but may rotate 90 degrees. The applicant is considering this suggestion by the ABACA. The applicant is also considering reducing the gravel parking area. Riina stated the gravel parking could be developed in two phases, therefore the rear parking would only be built if necessary. There was approximately 29,000 square feet of the site disturbed in the past. The proposed site plan shows 38,000 square feet of disturbance. There is 18,000 square feet total impervious area proposed. The site will be served by public sewer and water. All utilities will be underground.

Marino delineated the wetlands in 2016 and 2017. The majority of the site is a regulated town wetland bordered by the North County Trailway. There is a culvert that water flows through under

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the trailway. There are culverts under Greenwood Street that are blocked, which may be contributing to the water in the wetland. Remains of a shack exist on the site. Old aerial photos show the site disturbance. Marino stated he will propose a mitigation plan once the site plan is settled. Fon asked who should be maintaining the culverts under the road. The Town should be maintaining these. Fon asked for the locations of the blocked pipes to pass on to the highway superintendent.

Christine Lemieux, 2037 Greenwood Street

Lemieux lives directly across the street from the site. Her family owns Hartels Autobody next door. Riina pointed out the location of the development in relation to Lemieux's house. Riina also pointed out the proposed screening in the front yard.

Andrew Verber, 2075 Greenwood Street

Verber stated he thought the entire property was wetland. He is concerned about another commercial building in a residential neighborhood. Currently the Town still has a plan to build a DPW on the town property also on Greenwood Street. So both of these developments will add traffic to Greenwood Street, which is a cut-through street. There is truck traffic on the road all the time.

William Riekert, 2057 Greenwood Street

Riekert stated the culverts under Greenwood Street do flow. There is considerable traffic and he is constantly picking up garbage on the road. Riekert is concerned about his home value and with more commercial building. He is also concerned about smells depending on what use the site will be. There is already smell that comes from the mulch on the town site.

Vimal Joy, 2105 Greenwood Street

Joy stated that he has two kids and felt the street was more secluded when he purchased his home. It turns out there is a lot of traffic including commercial traffic and town traffic from 4 am – 8 pm. Joy is concerned about the Highway Department possible development and more commercial traffic. He is also concerned that there is no tenant yet, so he isn't not sure what the development is really going to be. Joy stated he spoke to John Kincart who has a home 3 doors down for sale and asked him how this development will this impact the street. The traffic increase, the type of business, the hours of operation, the type of building (open frame?) are all questions. A brewery was discussed at one of the work session. Would this include a bar and bring undesirable people to the neighborhood? Is the building viewable from the street with a large commercial entrance? There are also wetland, tree, and other environmental impacts. Joy will continue to follow the application.

Rod Lemieux – 2037 Greenwood Street and owns Hartels Autobody

Lemieux stated that the development around him has had no consideration for his property. When the big red barn developed next to him, there was no thought to the roof having such a high pitch that the snow falls off all onto my property. In addition, they have had several subpoenas for not taking care of the property. Lemieux does not want something similar to happen on the other side of him.

Riina requested to be on the next work session to continue to discuss the project.

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Riekert asked about the split zoning districts on the property. Riina stated there is a zone line in the middle of the property C-4 and R1-40. There is no application to rezone or use the residential portion of the property.

Upon a motion by Garrigan, seconded by Savoca, and with all those present voting aye, the Board closed the Public Informational Hearing.

Gallinelli Minor Subdivision

SBL: 27.13-1-49

Public Informational Hearing

Location: 2777 Quinlan Street

Contact: Site Design Consultants

Description: Proposed 2-lot subdivision on 1.48 acres in the R1-20 zone.

Upon a motion by Garrigan, seconded by Savoca, and with all those present voting aye, the Board opened the Public Informational Hearing.

Joseph Riina, project engineer, was present. Riina described the location of the project. The proposed lots meet the zoning standards for the R1-20 zone. The property is mostly open lawn area with an existing abandoned dwelling. The existing home abuts the northern property line of the site. Directly behind the parcel is town owned parkland, which separates the site from Ogden Drive. The plan proposes two new driveway locations both on the north sides of the proposed homes. The homes are positioned in line with the rest of the homes on the street. Riina stated the plan proposes to extend the town sewer main from Ogden up Quinlan Street. This potentially could be a shared project with the town if the town supplied some of the materials for the extension. Fon asked how many homes could potentially benefit from the sewer line extension. Riina stated that immediately at least 3 homes would be able to connect to the sewer. Tripodi asked about the connection of sewer to Ogden Drive. Riina stated that the applicant is still investigating that option, but not sure where the adjacent property has an easement and if this property can use it. For now the applicant is proposing to extend the sewer main. Riina showed an alternate layout requested by the Board that shows a shared driveway that is double-wide on Quinlan and immediately splits off. This is not the applicant's preferred plan. The Westchester County GIS showed a wetland area all along Ogden Drive. The Conservation Board reviewed the plan and is not considering this a wetland.

Susan Siegel, Long Hill Drive

Siegel stated that she knows the town is in the process of developing a plan for sewerage unsewered properties in the Hallocks Mill Sewer District and that Quinlan Street is not a priority street included in this plan. Siegel also stated that a public-private partnership is very complicated. Siegel urged the applicant not to proceed until the Town Board completes its plans for sewerage in the Hallocks Mill.

Riina stated that all the homes on Ogden Drive are sewerage. Riina stated the Town Engineer stated the properties are in the sewer district.

Siegel stated that even if just extending for this property, the Town Board must approve a sewer extension.

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Riina stated that if the developer wants to pay for the extension for just the proposed homes there would be no need to involve the Town Board or their Hallock's Mill plans. Fon stated that the 8 inch line in the road would be tested and turned over to the Town.

Siegel stated that she was only concerned with a public-private partnership that Riina mentioned, not the construction of the extension itself.

Upon a motion by Savoca, seconded by LaScala, and with all those present voting aye, the Board closed the Public Informational Hearing.

Upon a motion by Savoca, seconded by Garrigan, and with all those present voting aye, the Board closed the regular session of the meeting.

WORK SESSION

Colangelo Major Subdivision

SBL: 35.16-1-4

Discussion Subdivision

Location: 1805 Jacob Road

Contact: John Colangelo

Description: Proposed to subdivide the subject property into 5-lots utilizing the "Flexibility" provision in the Town Code. The remainder of the 47 acre parcel is to provide for a single-family residence, open space and lands to be used for agricultural use.

John Colangelo, Maria Constanzo, and Joseph Riina, were present. Colangelo stated that he met with Tegeder, Steinberg, and Blanchard and thought that he needed to come back to the Board and discuss the rest of the agri-hood that was sort of set aside in favor of approving the subdivision. He feels like he's giving the trail and not getting the rest of the plan like the community barn, solar, generational housing. Fon stated that even though the Recreation Commission wants the fee in lieu, the Board seems to agree that the trail is important and should not be lost. Blanchard stated that he thinks that the trail could be considered to comply with the 10% active recreation component however since the plan is still conceptual it's difficult to fully form this argument without defined numbers. Colangelo mentioned the professional farmer and the Westchester Land Trust. Blanchard stated that the land trust is more of a side entity to the project. It doesn't have anything to do with this Board complying with the code.

Colangelo stated he needs to know what needs to be in the preliminary resolution in order to deal with the trail or paying the fee in lieu later. Tegeder stated that Mr. Colangelo feels like he's giving up a lot of his full plan. The accessory apartments, agricultural uses, all come second to the subdivision. His total plan is not being considered therefore more of these details need to be shown on the plan even if the Board isn't necessarily approving all of them. The Board's planning review needs to include that the Board has considered these future possibilities on the site and even prefers them. Accessory apartments provide a diversity of housing and prevent McMansions, and this is in the comprehensive plan. Tegeder stated the Board needs to plan for these possibilities in the preliminary approval.

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Colangelo stated that this application has been around since 2012. He needs to get a preliminary resolution and negative declaration in order to go further with the design. Tegeder stated that the preliminary approval cannot be silent on the recreation component of the subdivision. The preliminary resolution should layout the Board's intentions for a trail to be offered and the additional portion of land down by the stream to make up the 10%, even if the exact trail location is noted as not set. Blanchard stated the applicant does not need formal metes and bounds, but they do need to be more specific about the acreage of proposed donation to see if it is 10%.

Mark Michaels, Conservation Board member, stated that Walt Daniels and volunteers would construct the trail on the town portion of land that is donated. The rest of the trail through the agricultural land or subdivision is separate because that will be on private property.

Tegeder stated that the Board needs a length and width of the proposed trail. Then a note can state that the exact location of the easement will be determined in the Final approval.

Clean Energy Collective

SBL: 15.7-1-5

Pre-Preliminary Application

Location: 3849 Foothill Street

Contact: Joe Shanahan

Description: Proposed solar farm on 34.62 acres in the R1-40 zone.

Joe Shanahan, representative of Clean Energy Collective; Robert Switala, project engineer from Bergmann Associates; Charles Feit, of OnFORCE Solar, a New York solar developer; and property owner, William Lockwood; were present. Shanahan stated that his company is a 7 year old renewable energy company out of Colorado. They currently have 69 projects up and running and have partnered with 33 utilities. There are three projects in New York located in Orange County that have been completed. Shanahan stated that his company is different because it is a community shared solar company. This means it affords community members who choose not to have solar on their home, the opportunity to get the benefits and participate in renewable energy. Much like a food coop. Shanahan's company develops and builds the solar array and then asks people to participate in the project. The company then partners with the utility company so there is an adjustment made to each participant's energy bill based on the energy generation of the array. In New York participants can only be residential participants. If the local community in Yorktown doesn't have enough participants, then they are allowed to move in concentric circles outward until the grid is filled. Shanahan explained that a 1 megawatt project usually serves 400-500 homes. He is looking to build a 2 megawatt project in Yorktown, so that would serve 800-1000 homes. Shanahan stated that he is aware that Yorktown does not have a local solar law, but that the Town Attorney was working on it. Shanahan stated that in his opinion, solar is the least impactful use for a site for several reasons. The largest height on the site is 12 feet. No noise is generated from the site after construction (8-12 weeks). There is no visual impact after dark because there is no lighting. Once the project is constructed, there is no traffic generation. A pickup truck would enter the site 3-4 times a year for maintenance. There is very low runoff impact because the site remains pervious under the panels. There would be no children added to the school district and no police activity. Solar is also not a fire hazard. This project would be the first community solar project in Westchester County. Shanahan

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stated that he submitted the pre-preliminary application to jump start the local law process while looking at what is proposed. He stated the setbacks are usually the biggest site issue.

LaScala asked how much does it cost to participate and what the benefit to the solar company is.

Shanahan stated that the company make money on government incentives for renewable energy. Both the federal and state government allows tax credits when building a project, the company sells the tax credits to investment bankers. A participant would pay approximately \$0-\$200 to participate. The amount depends on how much energy the array generates. The participant would still pay their utility bill as usual, but it would be adjusted to be less depending on how much power the array generates into the system.

Fon stated that trees would need to be cut down so everyone driving down Foothill Street would see it. Shanahan stated the proposed fenced in area is 16 acres of the 34 acre site. Tegeder stated that the Board can recommend that this use is desirable and recommend parameters for such an approval. The conceptual plan shows 50 foot setbacks because that is what is required in the R1-40 zone. Shanahan stated that in Blooming Grove he agreed to 200 foot setbacks all the way around. This wouldn't be possible on this site, but his point was that the company was sensitive to the setback issue.

LaScala stated he thought the proposal needs to be reviewed against the tree ordinance, reviewed by the ABACA, other town laws too.

Alampur Professional Office

SBL: 70.13-1-26

Zoning Board Referral

Location: 804 Syska Road

Contact: David A. Barbuti, RA

Description: Request for a Special Permit to construct a professional office in a residence pursuant to Section 300-76.

Project architect, David Barbuti, was present. Barbuti stated that the wife is a neurologist and would like to have an office at home. She would be open 2 days a week from 10 am – 3 pm. The maximum number of people per day would be 4 patients. The proposed office space is 950 square feet, which is under the maximum allowed percentage of home to be used for professional office. The home is a total of 3,376 square feet. Barbuti stated there are no employees. He showed five possible parking spaces in the existing driveway. Fon asked if a little turnaround can be added so cars aren't backing up into the street. Barbuti stated he would include some landscape screening as well. Fon asked if there could be two curb cuts, maybe with a "U" shaped driveway. Fon asked Tegeder to take a look at the home and suggest some kind of turnaround and landscaping. Barbuti stated this item will be on the January 25th Zoning Board agenda. There are no changes to the exterior façade of the house. Other than Fon's comments, the Board has no objections and will await Tegeder's recommendations.

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Goddard School at Triangle Shopping Center

SBL: 37.14-2-49

Zoning Board Referral

Location: 62 Triangle Center

Contact: Annette Cunha

Description: Renewal Special Use Permit for a daycare center in the C-1 zone.

No one was present. Tegeder stated he isn't aware of any issues with the site. The Board had no objections to renewal of the special permit.

Upon a motion by LaScala, seconded by Savoca, and with all those present voting aye, the Board voted to close the meeting at 10:00 pm.

Tim Glass
270 Colonel Greene Rd.
(914) 715-8542
timoglass@gmail.com

Statement delivered at Sandvoss public hearing on Jan. 8, 2017

First, I want to thank the Planning Department and the Planning Board for listening to my neighbors (and me) and granting us this public hearing. Of the current composition of the Board, only one member was present at the time of the previous public hearing over 8 years ago. Since then, there is a new engineering firm at work, a new site plan, new EAF, and new habitat report. Also, with the devastation produced by Hurricane Sandy in 2012, the landscape has undergone significant changes. So, I think the right thing to do is to give the public the opportunity to respond to all that has happened. And again, I appreciate your doing so.

There are so many issues relevant to this project. Between wetlands, steep slopes, streams, flood plains, and the ongoing challenge to cause no negative environmental impact, engineers have a tough job. When I moved here in 1994 I believed that these woods behind my house were probably unbuildable. Maybe that was true then. But now most of the buildable land in our watershed has been built upon, so land is scarce. Existing land use data indicate that approximately 80% of the total land area in the Croton Watershed is already in use. Of the land still available for development in the Watershed, 40% is subject to development restrictions because of steep slopes, wetlands, and riparian buffers.

In many cases, what remains is forest land covered with winding streams, wetlands, steep slopes, and flood plains. Improvements in engineering now make the once impossible possible. But the realities about this property remain: despite the applicant's contention that there will be no negative effects to the biodiversity of the area, the Environmental Assessment Form and Habitat Assessments make several dubious claims. First of all, this development continues to be spoken of as a 3-lot subdivision. Actually, it is a 4-home subdivision, with one of the homes to be built on the same lot as

a currently existing residence. This existing lot will be fitted with new impervious surfaces and storm water controls. Much construction will proceed on this 4th lot, so I think we ought to be candid about what this project really entails. Yes, you are carving out 3 new lots, but you are building on 4. Secondly, the new Wildlife Habitat Assessment submitted by the applicant makes little mention of mammal species that dwell on this property. The Eastern Cottontail Rabbit, on the DEC's list of "Species of Special Concern" may inhabit these surroundings. In the summer, bats can be seen nightly, flying above my house. Several species of bat are listed by New York, including the federally endangered Indiana Bat. Bats are not mentioned at all in the applicant's habitat report, yet in addition to being threatened, they are critical to pest control in this area.

According to the EAF submitted by Site Design Consultants, the approximate percentage of the proposed site with slopes of 15% or greater is 37%. An additional 21% of the site has slopes between 10 -15%. When we build on a site with such characteristics we run right up against nature: vegetation must be removed, soil is disturbed through erosion, and siltation to our streams will be a regular occurrence. When we lay down $\frac{3}{4}$ of an acre of impervious surface and construct 4 new homes in this environment we are flirting with three major water hazards: drainage, flooding, and pollution.

Living in the Croton Watershed, all our streams run toward the New Croton Reservoir, the collection point also for the entire network of the 12 reservoirs in the New York City system. Storm Water control, then, is probably the biggest obstacle in this project and is chief among the criticisms made by the DEP when they reviewed the previous site plan. The new plan attempts to solve this problem with the addition of rain gardens. This may be a well-intentioned greener solution, but as a long-term answer to the surface water problem it is impractical. In researching rain gardens, I found that they necessitate strict adherence to a maintenance schedule,

including annual, monthly and even weekly year-round tasks. Who will perform these? Will the next homeowner down the road, 10, 15 years from now know about periodic mulching, weeding, and Ph testing? Will they even know they *have* a rain garden? Not likely. Neglected, of course, the rain garden will cease being an effective flood and pollution deterrent. Any plan that includes rain gardens as an integral part of a stormwater management system must mandate an accountable system for regular maintenance. This needs to be spelled out and it needs to be enforced.

Another feature of the proposed development is to install three new sub-surface septic systems. This plan, in this environment, is asking for trouble. Any seepage of household wastewater will find its way to the nearby wetlands, where it will be stored and eventually carried by stream to the reservoir.

Let's talk about trees. Specifically, the need for a comprehensive tree survey within this entire approval process. There *is* a tree survey, but it dates back to 2009. Since then, these woods have gone through numerous changes, but the most obvious has been the amount of dead and fallen trees. With the damage from Hurricane Sandy, plus eight years of normal attrition, what remains is a landscape with survey-tagged trees strewn nearly everywhere. Some are rotted and barely standing, while many others lie horizontally all about. It should not be acceptable that, among the documents submitted for your review today, is a 9-year old tree survey. I've taken a few pictures of these trees in the past month and would like to share them with you. You can see the metal, circular tags on each of the dead trees.

Now..... the Storm Water Pollution Prevention Plan. The only SWPPP that exists was done in January 2016. The site plan was submitted in October of that year and has been revised four times since, due to DEP feedback. The SWPPP is now under review by the DEP, but is unavailable at

the Planning Department. Those of us opposed to this development need the opportunity to review it.

So, we have an outdated Tree Survey, a Storm Water Pollution Prevention Plan that we haven't seen, no flood plain permit, no new Natural Heritage Report, still pending reports from the DEP, DEC, and Health Department, a new Habitat Assessment from October 2017, and an EAF that was only submitted on December 19, less than one month ago! Mind you, this project has been going on for 12 years. And with all this time to get it right, so much is still incomplete.

My neighbors who have come here tonight are anxious about all these things. Flooding, loss of open space, loss of wildlife, water pollution, home values. Croton Heights is a very special place to live, with home values reflective of that. People choose to live here because they seek simple quiet natural surroundings. To avoid, in fact, the very type of development we are discussing today. What will happen to our home values if we take away the very things that make people want to live here?

I understand that this is private property and the owner is within her rights to develop it, but the impact this project may have on many people and *other* species living nearby should be considered. I ask you to do the responsible, right thing here: defer any approval action until final reports from the DEP, DEC, and Westchester County Department of Health have been submitted. Insist that the parties seeking to build this development satisfy all mandated requirements with correct and timely information. Then allow the public ample opportunity to review these findings before closing the public hearing. Additionally, we request the opportunity to review the town engineer's report, submitted just today. Thank-you.

And now I would like to introduce Rahul Verma of Verma Engineering of Hopewell Junction, NY. Rahul is the former director of the East of Hudson

Watershed Corporation and has been retained by members of the Croton Heights community to do a complete review of the Sandvoss engineering files and site plans.

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Dear Chairman Fon and Members of the Planning Board,
My name is Patricia Johnson, I live at 427 Spring Drive, which is approximately 0.5 miles from the proposed Sandvoss site. I am a herpetologist with certifications from the Smithsonian-Mason School of Conservation and the Global Ranavirus Consortium. I am also a New York State Class II wildlife rehabilitator. I commend you for reopening the public hearings on this project.

- In light of the incomplete and conflicting aspects of this proposed project, isn't it prudent that the town planning board consult their own environmental consultant to obtain independent analysis?
- Development is on a floodplain in federal wetland. Shouldn't the applicant have obtained permits from the Army Corps of Engineers?
- The New York Natural Heritage Program was contacted for comment. Doesn't the public have a right to review their statement prior to closing the hearing?
- Applicant states that "no vernal pools were observed." Vernal pools are ephemeral, and the applicant's surveys were not done at appropriate months. Since there are existing vernal pools on the Sandvoss and adjacent properties, shouldn't they be mapped out on the site plan and steps be taken for their protection?
- From *Habitat Management Guidelines for Amphibians and Reptiles of the Northeast United States*
<http://northeastparc.org/wp-content/uploads/2015/08/Final-NE-HMG.pdf> "Vernal pools are important breeding sites for spotted salamanders, Wood Frogs, and other amphibians. They require appropriate habitat (usually closed canopy forest. . .) adjacent to their breeding pools." pp.26-27. Will steps be taken to ensure amphibian habitat is maintained?
- Where is the wetlands mitigation?
- This site is in the middle of a larger wildlife corridor. According to The Croton-to-Highlands Biodiversity Plan, this area, "Biotic planning unit: Hilltop Hanover Farm and vicinity," contains "significant habitat that functions as part of this ecological unit [that] can be found in Somers"p. 21.
<http://www.yorktownny.org/planning/croton-highlands-biodiversity-plan>
- Stormwater catch basins are to be "graded and planted to resemble wetlands." While storm water catch-basins and pocket wetlands

address runoff, they do not function ecologically as real wetlands and often attract fragile species, when the artificial body of water, inappropriate fauna, and lack of substrait does not support them, causing die-offs. (“Ecological Restoration Revisited: Some Problems and Improvements” Kiviat, E. *News From Hudsonia*.)*

- Hours of operation - how is this deemed “not applicable?” Does this apply to construction?

Threatened Species and/or of Special Concern

- Applicant claims that there are no “. . . species of plant or animal that is listed by the NYS as rare or as a species of special concern” This is incorrect, as there are nesting and roosting bats, several species of listed birds, and an Eastern box turtle population. A more thorough wildlife assessment should be done, as there may be more cryptic species on the site. How can the public be confident when so many threatened and species of special concern were not reported?
- There are Eastern box turtles on the site (as a wildlife rehabilitator, I have treated two animals near this location and have documented over 30 individuals within the Croton Heights area.) This species needs a mosaic of unbroken mixed habitats. They exhibit high habitat site fidelity (even returning to the same annual nest site, but refusing to move a foot from recently laid flagstone to loose soil) and are valued as indicator species. The leading cause of species decline is habitat destruction, not pesticide use.
- First wildlife assessment by Miller and Associates, listed only 8 species of birds - the follow up assessment had 10 bird species. It would have been easy for the applicant to consult eBird, which is the best-known crowd sourced citizen scientist project in the world. They list more than 40 species of bird observed at Hanover farm. (About eBird: Hanover <http://ebird.org/ebird/hotspot/L1140871>)
- My husband, Mark Michaels, is a birder. His yard list includes these listed species: Scarlet Tanager (an interior woodland nesting species)**, Red shoulder hawk, Coopers hawk, Sharp shinned hawk, Common nighthawk, Worm eating warbler, and Cerulean warbler. In addition, another neighbor, Holly Rivlin, has reported Redheaded woodpecker. At Hanover Farm, Coopers hawk and Horned lark have been reported.

- Because this site is a known habitat of bats, shouldn't the applicant describe each species in any wildlife assessment and follow USFW guidelines for construction times and the preservation of nesting and roosting tree species? Bats are known to roost in Shagbark hickory, many are on the project site. FWS forest management practices: https://www.fws.gov/northeast/pafo/pdf/.../timbermgtguide_ibat_maternity.pdf
- The applicant states concerns about preserving wetlands, yet plans for roadways to cross the streams twice. Did they consider a cluster development, in order to avoid compromising wetlands?
- The Hudsonia Preliminary Biodiversity Assessment and Review of the Proposed Sandvoss Development Site, Town of Yorktown, Westchester County, New York, suggests that the site may have archeological significance as there is a "west-facing rock overhang about 3 m (10 feet) wide by 3 m high east of the stream. This could have been used by Indians as a short-term rockshelter and should be examined for potential archaeological value." Shouldn't the applicant provide research on their claim that there is no historical or archeological significance?
- Applicant states that they assessed "the water quality volume for the specific drainage areas of the project. This was done using the one year storm as opposed to the 90% storm event." Isn't this estimate too conservative, when climate change is increasing storm events?

* "A worldwide analysis of 621 wetland restoration projects estimated that ecosystem structure and function were still a quarter less than in reference wetlands after a century. Most wetland restoration or mitigation projects are monitored for only a few years, are assessed only for superficial characteristics, and are then declared successful or unsuccessful." Vol. 31, No. 2, Fall 2017.

** Birds that often share internal forest nesting habitat with scarlet tanagers in this area and therefore are likely to experience habitat loss due to forest fragmentation:

ovenbird

wood thrush*

red-eyed vireo

tufted titmouse

eastern wood-pewee*

Acadian flycatcher*

Kentucky warbler*

Louisiana waterthrush*

yellow-throated vireo*

cerulean warbler*

whip-poor-will*

* of high conservation priority

reference: Rosenberg, K.V., R.W. Rohrbaugh, Jr., S.E. Barker, J.D.

Lowe, R.S. Hames, and A.A. Dhondt. 1999. A land managers guide to improving habitat for scarlet tanagers and other forest-interior birds. The Cornell Lab of Ornithology Table 5.

Thank you for your consideration,

Patricia Johnson

Certified Reptile Monitoring, Smithsonian-Mason School
of Conservation

NY State Class II wildlife rehabilitator #147

Hudson Valley Reptile Conservation Center

www.TurtleAdvocate.org

347-242-7058

January 8, 2018

To: Yorktown Planning Board

From: Linda Miller
2667 Dunning Dr.
Yorktown
(914) 62-9490

Re: Comments made at Sandvoss project public hearing

My comments are directed toward the Wildlife Habitat Assessment and Consideration of Focal Species of Concern carried out by Bates and Marino for Tim Miller Associates.

I recognize this assessment was not meant to be a detailed wildlife survey or plant inventory, nevertheless it contains statements and omissions that give an inaccurate impression of the site's natural history.

While the report says the site was visited on three separate dates, it states that on "both site visits" the stream corridor that runs through the wetland was dry, but "it is apparent that it flows on a regular basis". So when assessing wildlife associated with a stream habitat, wouldn't it be more accurate to do the assessment when the stream is actually there, which is the more typical situation? The Hudsonia report and neighbors familiar with its flow pattern, describe the stream as "near-perennial". The Planning Board needs an accurate picture of the true nature of the stream's flow characteristics, its contribution to the site's wildlife habitats and hydrology. The impact of woodland clearing and increased run-off has been dismissed as insignificant, and the Marino report seriously down-plays its importance to the natural environment of the site.

Yorktown has a Wetland and Watercourse Protection Law, but often the wetlands get most of the regulatory protection while the impact of development on the quality of the watercourses is given short shrift. In the Sandvoss project, a wetland permit is required for the driveway stream crossings, but the project also has the potential to significantly impact the stream in ways not regulated by the wetland law. I urge the Planning Board to look at the big picture and consider the impact of increased impervious surfaces, deforestation, soil disturbances and increased run off—combined with the site's steep slopes—on the water flow of the stream. How this will impact the stream bed and wildlife habitat? Will the stream bed be scoured, eliminating riparian habitats or conversely, will it be silted up, also eliminating riparian habitat? Will the banks be eroded, changing the character of the stream corridor? We don't know, but we need the answers to these questions.

The Wildlife Habitat Assessment doesn't mention the ledge and talus formations that are a notable natural feature of the site and which potentially shelter unusual plant and animal species.

In fact, the report doesn't talk about any plants as focal species of concern.

300 Colonel Greene Road

Yorktown Heights, NY 10598

March 28, 2018

To the Planning Board,

I am enclosing a copy of my remarks to the Planning Board's Jan. 8, 2018 meeting:

Thank you for the opportunity to speak. We have been residents of Yorktown on Colonel Greene Road. Our home was built with a sump pump pit but the sump pump never went on until the 1990's. Intense rain coupled with development caused the pump to start going on as the water table has apparently risen. At times it went on every 17 seconds (I timed it.) This was accompanied by occasional water coming into different areas of the basement. After Hurricane Floyd when we had no power for several days we had several inches of water in the basement causing substantial damage. This prompted us to get a generator so at least we would have a working sump pump when the power goes out (as it frequently does). However in heavy rains water was still coming into the basement in spots. So at great personal expense we totally renovated the basement, replaced the curtain drains around the perimeter of the house, and piped the water coming from the downspouts away from the house. So far so good. But the present Sandvoss plan has us very worried. Our property does not directly abut the Sandvoss property but is right next to it. As you know, Mother Nature does not respect property lines. Having done some research a large, mature oak tree can take up between 50-100 gallons a day. Other species can take up 50 gallons a day or more. The amount of trees that would be taken down to develop this property is substantial. (And as I am writing this after the 2 nor'easters that did so much tree damage all over Yorktown and our neighborhood losing power for 10 days, causing the generator to run out of gas because the propane truck could not get through, it is especially concerning.) What will this do to the water table?

I had looked through the Environmental Assessment Report and while I am not a professional several things stood out as not making sense:

D2a says no excavation, mining or dredging during construction. How is this possible?

D2viii says this project will not require blasting. How is this possible if in another area they say the property is mostly rocky or stony and the bedrock is 5' below the surface? (E2a, bc

D2eiii storm water NOT running onto adjacent properties is hard to believe in a major storm dumping inches of rain per hour. (See slopes in E2f)

D2p says there will not be a bulk storage of petroleum over 1,100 gallons on site. That is only possible if the proposed homes have 250 gallon oil tanks. With such large homes proposed that is extremely unlikely. Is that the plan or will the homes have 400-500 gallon tanks in which case they have exceeded the estimate.

I do not see an answer to E3h

Where is the solid waste from the construction going? Are they carting it away or dumping it? They have indicated no solid construction waste: D2r. Is this credible?

I hope the answers to these issues will be addressed by all parties.

Thank you,

Yours truly,

Sheila Schraier