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March 3, 2021

Matt Slater Supervisor  
Town of Yorktown

Re: 408 Illington Road Dam

Dear Supervisor Slater and fellow Town Board members,

At a Conservation Board meeting of March 3, 2021, it was recommended that the above project be brought to the attention of the Tree Commission with regards to the removal of 21 trees as is noted on the plans. We offer this letter to address this item.

The elimination of trees for this application is to bring the dam repair into compliance with NYSDEC regulations pertaining to dams. These regulations prohibit the planting or retention of any tree on earthen berms for ponds. The existing pond failed because tree roots penetrated the pond and then fell, breaching the pond berm, draining the pond and destroying the dam. There is no waiver or relief from this regulation. Therefore, it is our opinion that this tree removal component is exempt from the Town of Yorktown regulations with regards to tree removal since it is required by the NYSDEC.

The owner is willing to add an evergreen buffer along the street frontage of the dam to serve as a visual buffer if this is required, since this location is far enough away from the pond to meet the regulations. The proposal would be to create a buffer of holly bushes along the cemetery on the property and independent spruce trees in areas where there will be minimal impact to any existing trees. These are depicted on an attached Tree Mitigation plan for this project and are provided as a compromise to the Yorktown Tree Code, not as a compliant plan.

Please accept this for the next Town Board meeting.

Respectfully,

*Peder Scott*

Peder Scott, P.E., R.A.  
President

Attachments: Drawing SY7

A R C H I T E C T U R E \* E N G I N E E R I N G \* S I T E P L A N N I N G

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