

Foothill Street Solar Project

Robyn Steinberg

From: Edward Kolisz
Sent: Friday, December 3, 2021 1:48 PM
To: Robyn Steinberg
Subject: RE: Foothill St. Solar Farm Memo

Robyn,

Yes, the driveway needs to be extended to allow for 300' access to the site. Foothill could be used as access if gates and a walkable path are provided into the site.

Edward W. Kolisz
Fire Inspector, Town of Yorktown, NY
363 Underhill Ave.
Yorktown Heights, NY 10598
Office: 914-962-5722 Ext. 254
Fax: 914-962-1731
www.yorktownny.org

From: Robyn Steinberg <rsteinberg@yorktownny.org>
Sent: Friday, December 3, 2021 11:43 AM
To: Edward Kolisz <edward@yorktownny.org>
Subject: RE: Foothill St. Solar Farm Memo

Ed,

Any chance you can let me know about this one by the end of today, would be appreciated. Thanks!

Robyn A. Steinberg, AICP, CPESC
Town of Yorktown Planning Department
Albert A. Capellini Community & Cultural Center
1974 Commerce Street, Room 222
Yorktown Heights, NY 10598
Phone | 914-962-6565
Email | rsteinberg@yorktownny.org
Web | <http://www.yorktownny.org/planning>

From: Robyn Steinberg
Sent: Thursday, December 2, 2021 10:50 AM
To: Edward Kolisz <edward@yorktownny.org>
Cc: John Tegeder <jtegeder@yorktownny.org>
Subject: RE: Foothill St. Solar Farm Memo

Ed,

We need some clarification... If you need 300 ft access to all panels, you are requesting additional driveway into the middle of the site, correct? Also, because there will be a fence and landscaping all along Foothill Street, the proximity of Foothill isn't going to count or will it? Please advise. Thanks!



Town of Yorktown www.yorktownny.org

RECEIVED
PLANNING DEPARTMENT

OCT 29 2021

TOWN OF YORKTOWN

BUREAU OF FIRE PREVENTION

Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598
Tel. (914) 962-5722 ext.254

MEMORANDUM

Edward Kolisz, Fire Inspector

Fax (914) 962-1731

Email: ekolisz@yorktownny.org

Office hours: Weekdays 8:00-10:00 a.m., 3:00-4:00 p.m.

TO: Planning Board, Town of Yorktown
From: Edward Kolisz, Fire Inspector
Re: **Foothill St. Solar Farm**
Date: October 29, 2021

The Bureau of Fire Prevention met on October 25th to discuss the proposed solar farm on Foothill St. and has the following comments:

- Vehicle access to the remote areas of the site needs to be improved. The fire department wants emergency vehicle access to extend to within 300 feet of all panels.
- Proper training needs to be provided to the fire department.
- A lock box for fire department access needs to be provided.

Please contact me with any questions.

November 23, 2021

Mr. John Tegeder
Director of Planning
Town of Yorktown
Albert A. Capellini Community and Culture Center
1974 Commerce Street
Yorktown Heights, New York 10598

RECEIVED
PLANNING DEPARTMENT
NOV 29 2021
TOWN OF YORKTOWN

Re: Response to Outside Consultant Environmental Review Comment Letter
Con Edison Clean Energy Businesses, Inc.
Yorktown A Solar Project
3849 Foothill Street
Yorktown, New York
2478.001.001

Dear Mr. Tegeder;

This letter is provided in response to a comment letter prepared by Leigh Jones, PLA from Barton & Loguidice regarding the Project dated, November 1, 2021. On behalf of Con Edison Clean Energy Businesses, Inc. (ConEd CEB), enclosed please find an updated submission for the Yorktown A Solar Project (Project) for your review which includes the following:

- Eight (8) copies of the Site Plan Set
- Eight (8) copies of the Slope Heat Map Exhibit
- Eight (8) copies of the Full Environmental Assessment Form (FEAF)
- Eight (8) copies of the Equipment Specification Sheets
- Eight (8) copies of SHPO's response Letter
- Eight (8) copies of the Wetland Delineation Report
- Eight (8) copies of the Noise Study
- Eight (8) copies of the FAA's Determination of No Hazard to Air Navigation

Provided below are the comments from the letter followed by our responses in bold.

Part 1 of the Long Form EAF

Environmental Specific Comments:

1. Item B (Government Approvals, Funding or Sponsorship) – Should the Town's conservation board be listed as an agency where approval is required due to the presence of wetlands on the site?

The Town's conservation board has been added to Item B of the revised Full Environmental Assessment Form (FEAF) provided as an attachment to this letter.



2. Item D.1.h (Proposed and Potential Development) – Item h.v. Please replace ‘varies’ with approximate range for both height and length of the stormwater detention basin.

Item h.v. of the revised FEAF has been updated to include the approximate dimensions of the stormwater basin.

3. Item D.2.e (Project Operations) – Please ensure that the solar panels can be considered a pervious surface by complying with the requirements as stated in the New York State Department of Environmental Conservation Memorandum titled ‘Solar Panel Construction Stormwater Permitting/SWPPP Guidance’ dated February 21, 2020. Large amounts of surface runoff are not being capture on site before being discharged into streams and wetlands. The amount of runoff is changing due to replacing forested area with grassy fields. In order to comply with the above stated requirements, the change in surface cover must be accounted for such that hydrology will not change between pre and post development conditions. If the panels cannot be considered pervious, adjust these numbers and design accordingly.

The solar panels are considered a pervious surface as they comply with the requirements in the NYSDEC Memorandum referenced above. Flow spreaders have been added at the dripline downstream of the panels on slopes greater than 5 percent. Please refer to the updated Site Plans included as an attachment to this letter.

4. Item E.1.b (Land Uses on and Surrounding the Project Site) – Item ‘Other’ describes Pervious Gravel. Ensure that this gravel can indeed be considered pervious.

The pervious gravel driveway detail is added to the plans. This detail has been approved by the NYSDEC as a pervious surface.

5. Item E.2.c (Natural Resources On or Near Project Site) – The predominant soil types present on the project site (ChB and SuB, making up 79.90% of the site) are prime farmland. Avoid installation of solar rays on the most valuable productive farmland (provided in order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance.

The proposed project is not located within an agricultural district and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations. In addition, the town code does not contain any regulations prohibiting the installation of panels on “valuable productive farmland”.

6. Item E.2.o (Natural Resources On or Near Project Site) – Item o states that there are no endangered or threatened species on site, but subsequently lists two species. Please clarify whether endangered or threatened species are present on site or not.

USFWS Official Species Lists were originally obtained in May 2018. We have updated the Official Species Lists, from the New York State Ecological Field Office (Consultation Code: 05E1NY00-2018-SLI-2074) and the Long Island Ecological Field Office (Consultation Code: 05E1LI00-2018-SLI-0556). The updated Official Species Lists identify the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened bog turtle (*Clemmys muhlenbergii*) as potentially occurring within the Project site.



The NYSDEC's Environmental Resource Mapper was reviewed. The Project site does not fall within the "Rare Plants and Animals" layer or the "Significant Natural Communities" layer mapped by the New York State Natural Heritage Program (NYNHP), indicating there are no known records of federal or state listed threatened or endangered species within the Project site.

Suitable summer habitat for the Indiana bat is present within the Project site. The delineated wetland has not been formally investigated for bog turtle habitat, however, given that the project avoids the wetland and corresponding 100' buffer, the Project site is not considered to have suitable bog turtle habitat. We have changed the answer to "Yes" on Item E.2.o, and have removed the bog turtle from E.2.o.i.

7. Item E.3.b (Proposed and Potential Development) – As stated above in item 5 above, the predominant soil types present on the project site are prime farmland, and solar ray installations is to be avoided on the most valuable productive farmland.

The proposed project is not located within an agricultural district and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations. In addition, the town code does not contain any regulations prohibiting the installation of panels on "valuable productive farmland".

General Comments:

8. Item D.1.b (Proposed and Potential Development) – Item b.b 'Total Acreage to be physically disturbed' is listed as 16.00± acres. In the Westchester County Planning Board Referral Review letters, page 1, it is listed as 15 acres. The Grading/SWPP Plan sheet (C003) also says 16.00 acres. Please ensure all documents are stating the same number, and that the number is accurate to the hundredth of an acre.

Noted. The total acreage to be physically disturbed is 16.00 acres.

9. Item D.1.e (Proposed and Potential Development) – Item e.ii. 'Generally, describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases', Applicant answers "The project is divided into phases to avoid disturbing more than 5 acres at a time." The applicant notes that the total number of phases anticipated is 3 phases. 5 acres times 3 phases are 15 acres total of disturbed area. Applicant states earlier (see item 8 above) that the total number of disturbed acres is 16.00 acres, which would therefore require at least 4 phases. Please clarify how many acres are being disturbed total, how many acres are being disturbed in each phase, and why.

Noted. A phasing plan (Sheet C007) has been added to the site plans clarifying the phases of disturbance for the project site.

10. Item D.1.g (Proposed and Potential Development) – Item g asks about the number and size of structures. Applicant notes 'N/A'. The ground mounted solar panels are considered accessory structures and therefore this information should be filled out with number of panels and size/height of mounted panels.

Noted. Item D.1.g have been updated accordingly.



11. Item E.1.b (Land Uses on and Surrounding the Project Site) – Item 'Roads, Buildings and other paved or impervious surfaces' Item 'Forested' states that 15.90 acres of forested area are to be removed, making the disturbed area now 15.90 acres. This does not match the acreage mentioned elsewhere (see items 8 and 9 above). All disturbance numbers must match on all documents and be accurate to the hundredth of an acre.

Noted. All disturbance numbers have been updated accordingly.

12. Item E.2.f (Natural Resources On or Near Project Site) – Note that static mounted solar panels shall not be placed on slopes greater than 25%.

Noted. Solar panels are not placed on slopes greater than 25%. Refer to the attached Slope Heat Map Exhibit.

Wetland and Aquatic Resources Delineation Report

Environmental Specific Comments:

1. Page 6-7, 3.5 Threatened and Endangered Species Review – The Indiana Bat (endangered) and the Northern Long-eared bat (threatened) may occur within the project area. It is recommended that an official evaluation of the site be conducted to ensure that none of these species are present on site and that the final development will have no impact on said species. See also item 6 above under Part 1 of the Long Form EAF and adjust accordingly.

As noted above, the updated Official Species Lists identify the federally listed Indiana bat and the bog turtle as having the potential to occur within the project site. The NYSDEC's Environmental Resource Mapper was reviewed. The Project site does not fall within the "Rare Plants and Animals" layer or the "Significant Natural Communities" layer mapped by NYNHP, indicating there are no known records of federal or state listed threatened or endangered species within the Project site.

The project site contains forested conditions with trees larger than three inches (3") diameter breast height (dbh). As such, it is understood that the site contains suitable habitat for the Indiana bat. As mentioned above, NYNHP does not have any known occurrences of this species within proximity to the project site. Tree cutting and clearing will be conducted between October 1 and March 31 to adhere to the seasonal tree clearing restrictions.

The wetland delineated onsite has not been formally investigated for presence/absence of bog turtles or for bog turtle habitat. However, given that the project avoids impacts to this wetland, and corresponding 100' buffer, we do not anticipate any impacts to bog turtles as a result of this project.

This updated information has been included in the Revised Wetland and Aquatic Resources report dated 11/22/2021.

2. Page 8, 4.1 Wetland and Aquatic Resources and 4.2 Uplands – The wetlands include various trees, as well as the upland area. Ensure that the panel locations surrounding the wetlands are accurate due to shading associated with untouched vegetation within the 100' wetland buffer.

As shown in the project site plan, no impacts to the wetland or 100' buffer are proposed, including impacts associated with shading concerns.



3. Figures, Wetland Determination Data Form, Sampling Point W 1-1 – Prevalence Index worksheet is not filled out.

The wetland and aquatic resources delineation was conducted in accordance with the U.S. Army Corps of Engineers (USACE) 1987 Wetland Delineation Manual. The USACE does not require the prevalence index to be completed if other hydrophytic vegetation indicators (i.e. dominance test) have proven that hydrophytic vegetation is present. However, the data form for W 1-1 has been updated to include this information and is included in the Revised Wetland and Aquatic Resources report dated 11/22/2021.

General Comments:

4. Page 3, Introduction – Site is listed as being 34.62 acres. In the EAF & WCPB letter, site is stated to be 34.23 acres. Please make sure all areas are matching in all letters.

Noted

Resolution by Putnam Valley Central School District in Opposition to Project

Environmental Specific Comments:

1. Page 1-2 – The latter discusses the reduction in stormwater runoff noting the use of the detention pond and bioretention area. These areas capture some of the runoff from the property, but leave other areas of the property free to runoff into existing streams and wetlands at an increased rate due to change in land cover. Please ensure that the proposed stormwater management practices will actually provide the required WQv and RRv for the entirety of the site, and if they do not, adjust plans accordingly.

The increased rate of runoff due to the change in land cover has been addressed in the calculation, based on the increase in peak flow rate, only a portion of the site needed to be captured and stored in order to return the peak flow rates to pre-development conditions. The HydroCAD model in the SWPPP shows that the project will mitigate the impact from the increased runoff caused by the change in cover type. In addition, the grass filter strip and the bioretention basin are proposed to treat the runoff from the equipment pads and battery storage area. The bioretention basin is also sized to provide WQv and RRv for the proposed driveway, however, the driveway is considered a pervious surface and does not require water quality treatment.

2. Page 2 – The letter discusses the noise levels around the Wellness Trail not being affected by the project. This Wellness Trail is not shown or spoken of in the noise study. Please adjust the noise study to accurately show that the proposed activities will not be affecting the Wellness Trail.

The Applicant has previously submitted a Noise Study prepared by HMMH, a copy of which is attached. That Study specifically addressed, among others, four (4) locations at the abutting Putnam Valley High School campus. The Study concluded that the operation of the battery energy storage system (consisting of three Tesla Megapacks) and the ancillary equipment (19 Chint inverters plus one transformer) meets the Town of Yorktown's 60 dBA sound level limit at the closest noise-sensitive land use in the surrounding community. In response to concerns about the noise levels "around the Wellness Trail," HMMH has revisited the matter and looked at noise levels at the Wellness Trail, presuming that the Trail is located as close as possible along the property line between the campus



and the solar facility site. HMMH has opined that the maximum continuous noise levels from the solar facility at any point on the Wellness Trail closest to property line along the Lockwood property would be 58 dBA ... meeting the Town of Yorktown's 60 dBA sound level limit. Further, from what is available on eCode, the Town of Putnam Valley does not have any such sound level limits.

3. Page 2-3 – The letter states that the panels will be 3' off the ground but earlier in the letter says 12'. Please clarify height of the panels throughout site and that wildlife will indeed be able to move throughout the site freely.

Typical panel details have been added to the site plans. Refer to sheet C012 of the site plans. More specifically, the panels are 3' off of the ground at their lowest end and no higher than 12' off the ground at their highest point.

General Comments:

4. Page 2 – The letter states that the maximum height of the panels will be 12 feet. This information is not stated anywhere else. Please ensure this number is accurate, and if so, please present on plans.

Typical panel details have been added to the site plans. Refer to sheet C013 of the site plans. More specifically, the panels are 3' off of the ground at their lowest end and no higher than 12' off the ground at their highest point.

5. Page 5 – States that the project will produce 1.87 MW AC of energy. The site plans say '1.90 MW'. Please ensure site plans match letter.

Noted. The proposed system will produce 1.875 MW AC of energy.

Board of Education Resolution Related to Proposed Yorktown Solar Farm

1. This letter notes frequently the existing flooding conditions in the schools parking area. While this is unfortunate, as long as runoff to the existing lot is not being increased, this is not the responsibility of the applicant. The applicant only responsibility is to match existing conditions, and if they can improve existing conditions that is preferable but not necessary. This is something that the applicant can agree to in order to move the project along faster, but it is not necessary.

Noted. Upon completion, the project will not alter the hydrology of the project from pre- to post-development conditions.

2. Page 3, Stormwater Runoff (SWPPP) – Mr. Vergano lists other issues for the designer to look at. Item 3 notes that the 50' buffer is an area that is intended to remain untouched. This statement is untrue. Unless some sort of agreement has been made between the school and the applicant, which can be argued for if that would keep the abutting properties happy, the 50' buffer is intended for structures only. As long as no solar panels are within this 50' buffer, the applicant is in compliance with the zoning laws.

Noted.



Draft Mitigation Plan for Proposed Solar Project, Foothill Street, Yorktown New York

1. The mitigation plan notes that the site does not require fire services. While it is unlikely, this site does include electrical equipment and it does not appear wise to state that the site will never need this service in absolute language.

Noted Fire apparatus will be able to access the site. The proposed gate will contain a knox box for fire access. The panels area also offset approximately 16 ft to 20 ft from the fence and approximately 25' between the panels which allows for space for emergency vehicles to maneuver around the project site.

Tree inventory Report & Comparison to Previously Proposed Residential Subdivisions

A core forest is essentially a piece of a forest that is surrounded by more forest. Forest fragmentation is a significant problem today in the struggle to maintain biodiversity and shall be avoided at all costs. This property is not part of a core forest and therefore removing the forest in this area is not out of the question. The proposed alternative developments split the forest on property, and therefore promotes forest fragmentation to a greater extent than the solar development that will keep the development on one side of the property and decrease the impact to the length of the forest perimeter.

While the amount of tree removal is always to be minimized as much as possible, it is of B&L's opinion that when considering the alternative residential developments, the greenhouse gas equivalencies of the project long term, and the current state of forest, the forest removal for the solar farm is the best option.

Noted.

Decommissioning Plan and Cost Estimate

1. The decommissioning plan includes reseeded of the area with native species, but does not specify what. In the Resolution by Putnam Valley Central School District in Opposition to Project, page 2 states that "once the project is completed, almost all of the 15.90 acres disturbed to construct the project will be returned to grass and meadow". The current site is composed of a lot of trees. If the detention basins are being filled in, and the site is being restored to grasses instead of forested area, the drainage conditions will be changed. The decommissioning plan must either replant trees in the amount and species of trees that are currently there, and/or maintain the existing stormwater mitigation measures to ensure runoff will not be changed.

Noted and agreed. The Decommissioning Plan will maintain the existing stormwater mitigation measures to ensure runoff will not be change

Visual Analysis

A visual analysis has been conducted on this site via photo simulations. B&L has reviewed the visual analysis and agrees that there is sufficient screening of the solar farm, particularly after the 5 year mark. The visual analysis was also commented on by the Applicant in the Resolution by Putnam Valley Central School District in Opposition to Project on page 2. A formal write up specifically for the visual analysis is requested for final acceptance.

Noted and a formal write up will be submitted for final acceptance.



Glare Analysis

A glare study has not yet been completed for this site. It is recommended that a glare analysis be performed on the site in order to assess the potential effects of glare on motorists travelling near the location. The location should also be evaluated as to whether it is within proximity of an airport (< 5 miles) or on a flight path (< 18 miles) of an airport. The FAA solar guidance states that is the responsibility of local governments and solar developers in the vicinity of an airport to check with the airport sponsor and the FAA to ensure there are no potential safety or navigational problems with a proposed solar facility. The FAA should be notified and provided an opportunity to participate in review of the proposed activity and findings of the Glare Analysis. In order to provide a glare analysis, the applicant will need the following:

1. Locations and elevations of existing and proposed contours
2. Locations and elevations of existing and proposed trees and other landscaping
3. Locations and elevations of existing roads
4. Location of existing airports and flight paths

The Applicant has filed with the FAA and received a Determination of No Hazard to Air Navigation (attached). As the project location is surrounded by trees and other natural screening, which will be enhanced along Foothill Street with additional plantings, there will be no glare impact on motorists traveling near the project location and, therefore, a glare study is unnecessary.

Noise Analysis

A noise study was conducted to assess the impacts of noise from the battery energy storage systems, the inverters, and the transformer. The Town of Yorktown has a noise ordinance that prohibits the noise levels from exceeding 60 dBA outside of the wall of any non-participating residence or occupied community building. This study indicated that the 60 dBA contour for the operation activities lies within the property lines and therefore all activities are in compliance with the Town ordinance.

1. Please show the actual locations of all the invertors and recalculate the decibels in relations to said locations. All invertors would not be placed where shown Figure 1.
2. Please depict the Wellness Trail on the noise analysis and ensure that the proposed development will not affect the Wellness Trail.

The Applicant asserts that the Noise Study by HMMH submitted to the Town fulfills ALL of the requirements set forth in the Town's Code of Ordinances and concludes that the project will be in compliance with the sound level limits. While HMMH had not depicted the Trail on its noise analysis, HMMH has revisited the matter and looked at noise levels at the Wellness Trail, being very conservative and presuming that the Trail is located as close as possible along the property line between the campus and the solar facility site*. HMMH has opined that the maximum continuous noise levels from the solar facility at any point on the Wellness Trail closest to property line along the Lockwood property would be 58 dBA ... meeting the Town of Yorktown's 60 dBA sound level limit. Further, from what is available on eCode, the Town of Putnam Valley does not have any such sound level limits.

*The Applicant provided the attached sketch of the Wellness Trail as it previously existed before the landowner, William Lockwood, prohibited the school's unauthorized use of his property for such a Trail because of concerns for liability.



Permitting Site Plans

- NYSDAM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (Revised 10/18/2019)
 - NYSDEC's Memorandum on Solar Panel Construction Stormwater Permitting/SWPPP Guidance (Dated 02/21/2020)
1. Include the following general notes on the construction plans:
 - a. The designated Environmental shall be on site whenever construction or restoration work is occurring on agricultural land and shall coordinate with the NYS Dept. of Ag & Markets, Division of Land and Water Resources, to develop a schedule for inspections and ensure compliance with the Department's Guidelines for Agricultural Mitigation for Solar Energy Projects, revised 4/19/2018.
 - b. Topsoil sampling, stockpiling, spreading, seeding and site restoration is to be performed in accordance with the NYS Department of Agriculture & Markets Guidelines for Solar Energy Projects Construction Mitigation, revised 10/18/2019.
 - c. The Contractor shall notify Dig Safely New York prior to construction.

The project is not located within an agricultural district and hence does not have to follow the regulations of the NYSDAM Guidelines for Solar Energy Projects.

2. Add an underground electrical conduit trench detail. Indicate that the conduit or direct bury wires will be buried per NYSDAM guidelines: *All buried utilities located within the generation facility's security fence must have a minimum depth of 18 - inches of cover if buried in a conduit and a minimum depth of twenty - four inches of cover if directly buried (e.g. not routed in conduit).* See NYSDAM guidelines for utilities buried outside of the generation facility security fence.

An underground Conduit trench detail has been added to sheet C011 of the site plans.

3. Add a topsoil and vegetative restoration detail to the Plans. Indicate the proposed vegetative surface under the solar array panels.

A topsoil and vegetation restoration detail has been added to sheet C011 of the site plans.

The following elements should be addressed in accordance with the requirements of the NYSDEC Guidance, dated 02/21/2020:

4. Provide a detail and/or dimensions on the Plans depicting the panel spacing. The individual rows of panels should generally be spaced such that the vegetative area receiving runoff is equal to or greater in length than the disconnected surface (e.g., the width of the row of solar array).

Dimensions and details have been added to the site plans showing the spacing of the panels. Refer to sheets C001, C002 and C009.



5. Where feasible, solar panels constructed on slopes are to be installed along the contour so that runoff sheet flows downslope. Ensure sheet flow is maintained across the site (i.e., level spreaders to prevent channelized flow).

The solar panels have been installed to generally be along the contours, however, the topography of the site varies and does not allow for the that to happen throughout the whole site. To ensure the dissipation of flow from the solar panels, flow spreaders have been installed at the dripline of all the solar panels throughout the project site.

6. Site plans should include a scale and labelling of contours. Steep slopes (i.e., greater than 15% and 25%) should be identified on the plans, if applicable, and should be addressed with adequate protection (i.e., RECP or TRM).

The site plan set contains Grading/SWPPP Plans (Sheet C003 and C004) with labeled existing and proposed contours. All the plans in the site plan set are scaled appropriately and contain scale bars showing the appropriate scales. A slope heat map exhibit is attached with this submission. In addition, multiple slope arrows have been added to the Grading sheets showing the slopes in various locations throughout the site.

Additional Environmental Specific Comments:

7. Where the slope exceeds 10% additional BMPs such as infiltration trenches or infiltration berms may be installed downgradient between each row. Refer to PA Stormwater BMP Manual, BMP 6.4.4: Infiltration Trench and BMP 6.4.10: Infiltration Berm and Retentive Grading for additional guidance.

Level spreaders have been added at the dripline of the panels to provide safe and non-erosive conveyance of stormwater runoff from the solar panels. The regulations for stormwater management for solar panels on slopes greater than 10% are not specific, therefore in addition to adding the level spreaders, The NYSDEC has been notified of our approach for rooftop disconnection of the panels as the space between the panels is larger than the width of panels. The plans and SWPPP will be modified accordingly upon a response from the NYSDEC.

8. Replace silt fence with compost filter sock.

Noted. All silt fence on site has been replaced by silt socks. A compost filter sock detail has been added to sheet C009 of the site plans.

9. Depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel is receiving an agricultural valuation. Avoid installation of solar rays on the most valuable productive farmland (provided in order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance.

The location and extent of prime soils have been added to the landscape plan. The proposed project is not located within an agricultural district, and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations. In addition, the town code does not contain any regulations prohibiting the installation of panels on "valuable productive farmland".



10. One tree proposed for planting as a buffer (Eastern Red Cedar) is not the preferred species as it is susceptible to blight and is not deer resistant. It is recommended to explore alternatives that are more deer resistant species such as spruces or pines.

The Eastern Red Cedar has been replaced with the *Tsuga Canadensis* as a much better deer resistant alternative.

General Comments:

11. Static mounted solar panels shall not be placed on slopes steeper than 25%. It appears that there are at least 3 racks currently that should be removed from plans to maintain this.

Noted. There are no solar panels placed on slopes steeper than 25%. Refer to the attached Slope Heat Map Exhibit for reference.

12. There currently does not appear to be any information on the plans regarding existing utility connection/proposed electrical equipment sizing and capacity.

The existing utility locations and proposed electrical equipment are shown on sheets C001 and C002 of the site plans. In addition, an electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system.

13. Plans are currently not showing locations of inverters.

The location of the inverters is shown and labeled on sheets C001 and C002. The inverter pads are located just south of the access driveway.

14. Grading/SWPPP Plan (C003) states "Yorktown A Solar Farm 1.9 MW". Please specify if this is AC or DC and if this number includes the panels to the left of the wetlands.

An electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system. The numbers shown on the electrical data chart represent the entire project site.

15. Please provide a table stating Type of panel, number of panels, wattage of panels, type of inverters, number of inverters, total number of wattage for DC and AC.

An electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system. The numbers shown on the electrical data chart represent the entire project site.

16. Please provide details/specs on type of panels, type of racks, type of inverters, and spacing between racks.

An electrical data chart has been added to sheet C002 to show the electrical data pertaining to the proposed system. All the known electrical data and details have been provided on the plans. Typical panel details have been added to sheet C013 of the plan set. The exact module and racking will be determined once an EPC (Engineering, Procurement and Construction) contract has been obtained by the project operator.



17. Add site distance at the access driveway.

Site distances have been added to sheet C001 and C002 of the site plans.

18. Include a note on the Plans indicating maximum panel height (Yorktown zoning regulations state max height is 15 feet in residential zones and 20 in other zones.)

The site data Chart on sheets C001 and C002 shows the required and proposed panel height for the proposed project.

19. Dimension access driveway length and turning radius. Verify sufficient access and turning movements for emergency vehicles.

The length of the access driveway has been added to sheet C001 and C002 of the site plans. In addition, a truck turning movement has also been added as an inset to sheet C001 to show that the entrance is design for emergency vehicle access.

20. Plans must be signed by a Professional Engineer or a Registered Architect.

Noted. Plans have been signed accordingly.

Additional Information and Anticipated Permits/Coordination

1. PILOT Agreement, if applicable;

On October 22, 2021, the Applicant submitted the following Proposal for a PILOT Agreement to the Planning Board, with a copy to the Town Supervisor, but has not yet received a response: "This mitigation plan would be in addition to a Payment in Lieu of Taxes Agreement (PILOT) the Applicant proposes to enter upon with the Town. Please refer to the attached PILOT Toolkit, which is information and guidance provided by the New York State Energy Research and Development Authority (NYSERDA). As you can see, the proposed range for PILOT payments in the ConEd Territory is from a base of \$3,700 to a high of \$11,100 per MW AC of capacity. The reason for the range is that each Solar Project has individual characteristics which greatly affect its profitability. In this case, the Applicant is proposing to make payment to the Town at the top end of the NYSERDA Guidance, that is \$11,100 per MW AC. Though some of the project specific characteristics are higher than the NYSERDA Base Case which was used to come up with the PILOT guidance, such as higher lease payments and utility interconnection costs, in the spirit of collaboration we do not propose any discounts to the PILOT rate. These payments will be made in addition to the standard property tax currently paid to the Town.

As currently designed, this proposed project has a capacity of approximately 1.87 MW AC. Based on the \$11,100 per MW AC Payment, this equals an additional tax payment to the Town of approximately \$20,757 per year, or a total of approximately \$311,355 over the term of the PILOT Agreement. This provides great tax benefit to the Town without placing any burden on Town resources or services. More specifically, such projects do not use sewer or water, do not require trash pick-up or police or fire response and, most importantly, do not put any additional children in the school system. As a result, all of this additional revenue can be used for enhancing Town programs and/or or infrastructure ... or to lower the tax burden for residents.



2. Confirm whether NYSERDA funding is being used for this project. For NYSERDA projects, the Applicant must submit the NOI to NYSERDA for referral to Ag & Markets. Provide determination of impact from NYSDAM, including acceptable mitigation options as appropriate.

The proposed project is not located within an agricultural district, and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations.

3. An Operations and Maintenance Manual must be submitted, including a map indicating the limits of maintenance for the site Operator/Owner. The Plan should indicate what the future land use plans are for remaining portions of the property situated outside of the fenced solar array and responsibility for the maintenance of the various portions of the site (i.e., mowing, trimming, etc.). The O&M Plan should address the post - construction monitoring requirements per the NYSDAM Guidelines, dated 10/18/2019.

The proposed project is not located within an agricultural district, and the existing parcel has no history of previous farm use. Therefore, the project does not have to abide by NYSDAM regulations.

4. Submit correspondence from SHPO indicating that they have conducted their review of the subject property and reached a conclusion of "No Effect".

Noted. A SHPO response is included as an attachment to this letter.

5. Provide a letter from the Mohegan Volunteer fire department acknowledging receipt of the Plans and verifying approval of proposed access for fire and emergency vehicles.

Noted.

6. Provide equipment specification sheets and photos for all significant components of the proposed solar facility, including the mounting/tracking systems.

Noted. Equipment specification sheets and photos are included in this submission.

7. Local and State Permits, as required, including for work performed within the highway or right - of - way. Please note that utility poles, signage, parking, etc. should be located on private property and not within the ROW.

Noted.

We believe that the responses provided above adequately addresses the comments from the letter. Should you have any questions or require additional information, do not hesitate to contact me at (518) 556-3631 or by email at eredding@bergmannpc.com.

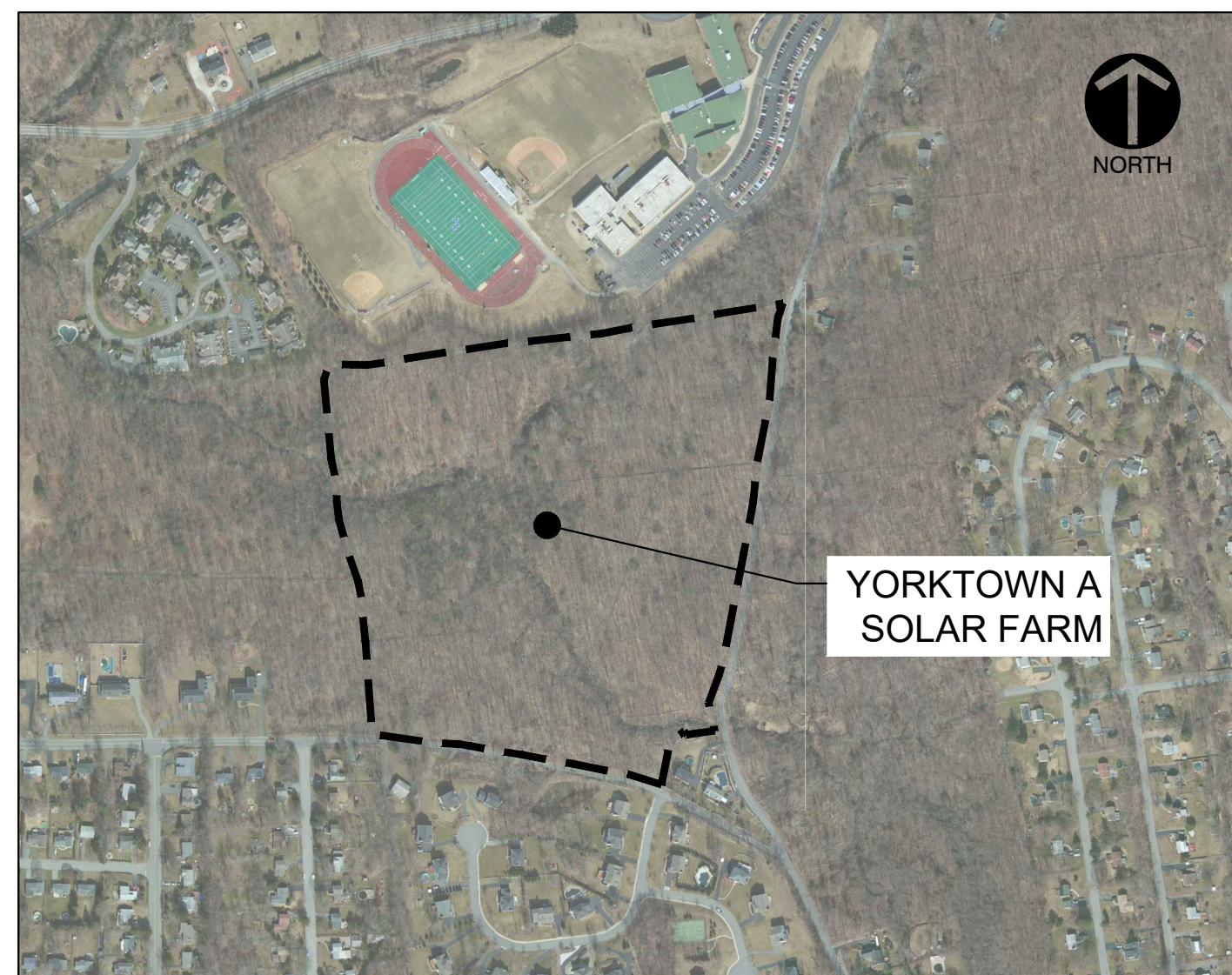
Sincerely,

Eric Redding, PE, LEED AP
DISCIPLINE LEADER, BERGMANN

CON EDISON CLEAN ENERGY BUSINESSES, INC.

YORKTOWN A SOLAR FARM SITE PLANS

FOOTHILL STREET
TOWN OF YORKTOWN



LOCATION MAP
1"=500'

SHEET INDEX			
C000	SHEET 1 OF	14	COVER SHEET
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C002	SHEET 3 OF	14	SITE PLAN
C003	SHEET 4 OF	14	GRADING / SWPPP PLAN
C004	SHEET 5 OF	14	DETAILED GRADING PLAN
C005	SHEET 6 OF	14	DRIVEWAY DETAILS
C006	SHEET 7 OF	14	LANDSCAPING & PLANTING FOR MITIGATION PLAN
C007	SHEET 8 OF	14	PHASING PLAN
C008	SHEET 9 OF	14	GENERAL NOTES
C009	SHEET 10 OF	14	EROSION & SEDIMENT CONTROL DETAILS
C010	SHEET 11 OF	14	EROSION & SEDIMENT CONTROL DETAILS
C011	SHEET 12 OF	14	SITE DETAILS
C012 & C013	SHEET 13 & 14 OF	14	CONSTRUCTION DETAILS

PROJECT INFORMATION:

LATITUDE: 41.333 N
 LONGITUDE: 73.859 W
 TOWN: YORKTOWN
 COUNTY: WESTCHESTER
 STATE: NEW YORK

PROJECT OWNER/APPLICANT:

CON EDISON CLEAN ENERGY BUSINESSES, INC.
 100 SUMMIT LAKE DRIVE
 VALHALLA, NY 10595
 PH: (973) 600-4328
 CONTACT: JOE SHANAHAN

PREPARED BY:

BERGMANN
 2 WINNERS CIRCLE, SUITE 102
 ALBANY, NY 12205
 PH: (518) 862-0325
 CONTACT: ERIC REDDING, P.E.

YORKTOWN A SOLAR FARM

FOOTHILL STREET

TOWN OF YORKTOWN
WESTCHESTER COUNTY
NEW YORK

**CON EDISON CLEAN
ENERGY BUSINESSES, INC.**

100 SUMMIT LAKE DRIVE
VALHALLA, NY 10595



Bergmann Associates, Architects, Engineers,
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2 Winners Circle, Suite 102
Albany, NY 12205

office: 518.862.0325

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2	11/22/2021	PLAN REVISIONS	WD	ECR

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Date Issued OCTOBER 27, 2020	Scale AS NOTED
Project Number 14847.00	

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COVER SHEET

C000

YORKTOWN A SOLAR FARM

FOOTHILL STREET

TOWN OF YORKTOWN
WESTCHESTER COUNTY
NEW YORK

CON EDISON CLEAN ENERGY BUSINESSES, INC.

100 SUMMIT LAKE DRIVE
VALHALLA, NY 10595

BERGMANN
ARCHITECTS ENGINEERS PLANNERS

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WD	WD
Date Issued:	Scale:
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14847.00	

OVERALL SITE PLAN

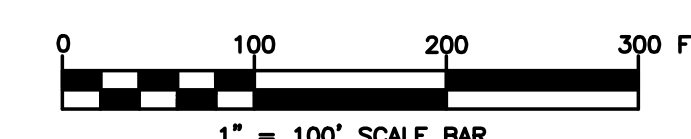
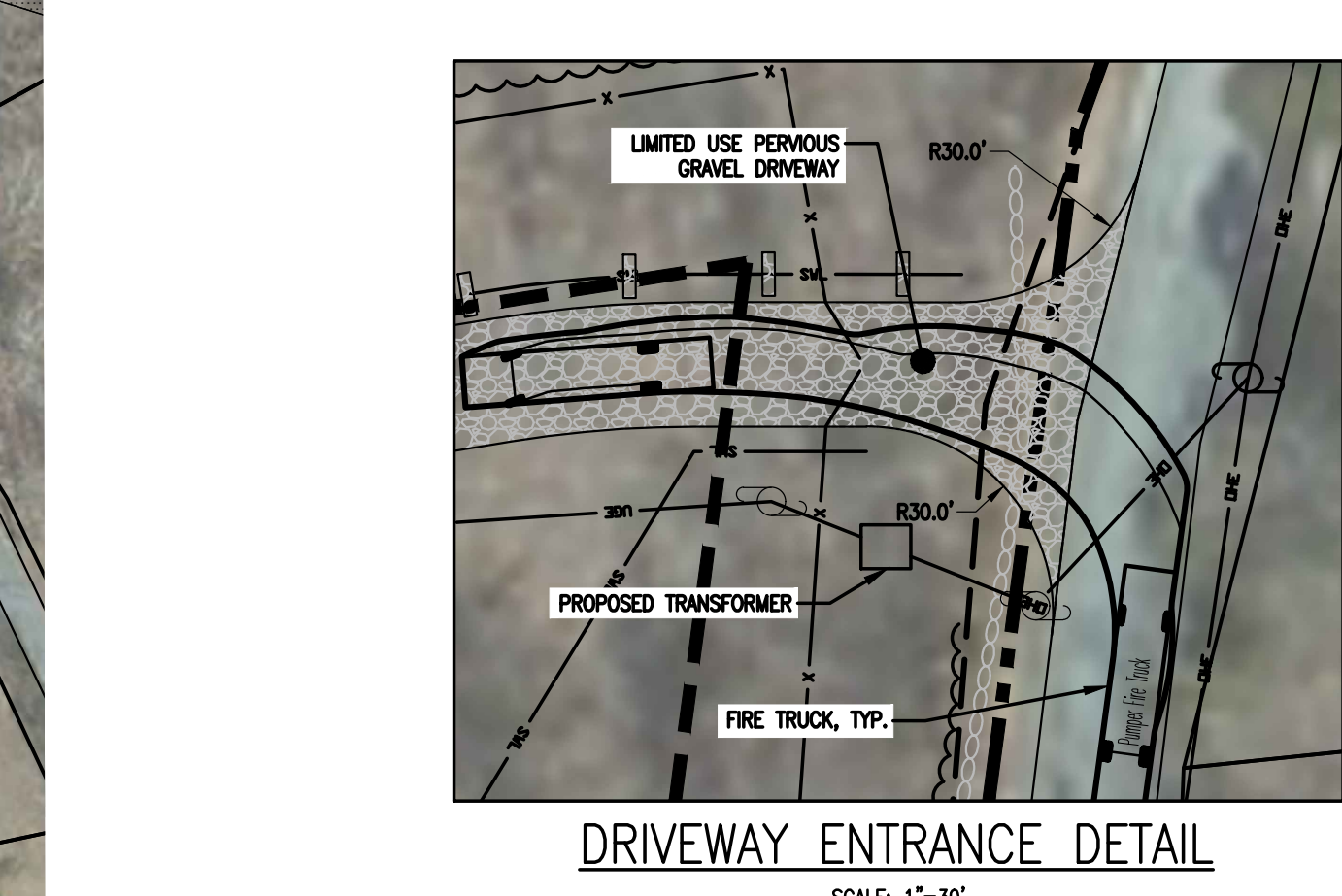
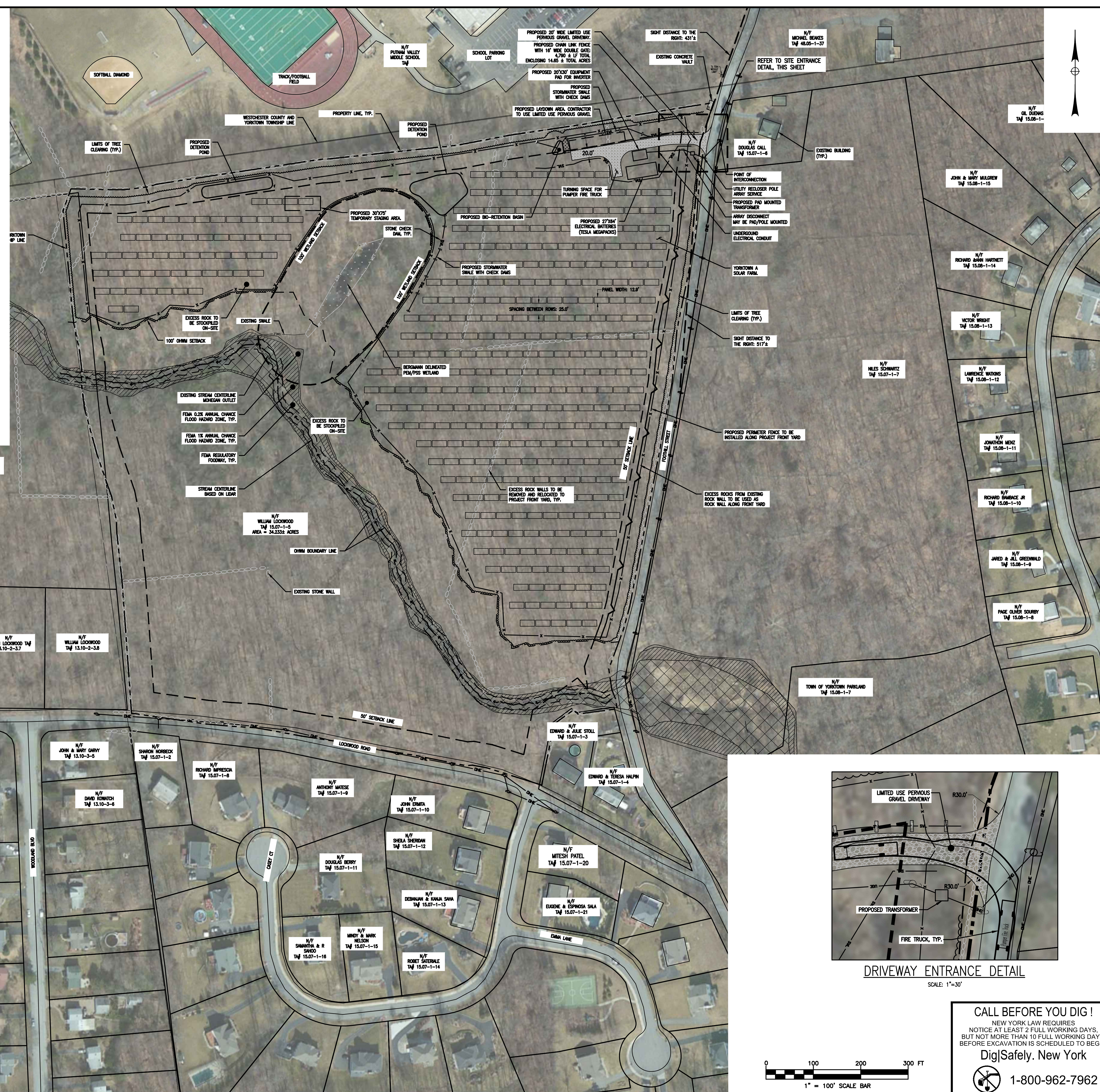
Drawing Number:

C001

2 of 14

LEGEND:

	PROPERTY LINE SETBACK - 50 FEET
	PROPERTY/R.O.W. LINE
	EXISTING LOT LINE ADJUSTMENT
	PROPOSED GRAVEL DRIVEWAY
	FEMA 1% ANNUAL CHANCE FLOOD HAZARD
	FEMA 0.2% ANNUAL CHANCE FLOOD HAZARD
	EXISTING FEMA REGULATORY FLOODWAY
	EXISTING ROAD
	ADJ. PROPERTY/R.O.W. LINE (SURVEYED)
	FENCE LINE
	CONTOUR - MAJOR
	CONTOUR - MINOR
	EXISTING VEGETATION
	EXISTING ROCK WALL
	PROPOSED LIMITS OF TREE CLEARING
	BERGMANN DELINEATED PALUSTRINE EMERGENT WETLAND (PEM) / PALUSTRINE SCRUB SHRUB WETLAND (PSS)
	Q STREAM
	100' WETLAND BUFFER
	PROPOSED ROCK WALL
	PROPOSED SCREENING TREES
	PROPOSED SWALE



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SITE PLAN DATA TABLE

SITE IS LOCATED IN THE "R1-40" RESIDENTIAL ZONING DISTRICT.

PROPOSED USE: SOLAR

PARCEL 15.07-1-5
TOWN OF YORKTOWN, COUNTY OF WESTCHESTER
STATE OF NEW YORK

APPLICANT: CON EDISON CLEAN ENERGY BUSINESSES, INC.
100 SUMMIT LAKE DRIVE
VALHALLA NY, 10595
(978) 888-4088

OWNER(S) OF RECORD: WILLIAM LOCKWOOD

PLANS PREPARED BY:
BERGMANN
2 WINNERS CIRCLE, SUITE 102
ALBANY, NY 12205
(518) 862-0325

DESCRIPTION	REQUIRED	PROPOSED
MIN. LOT SIZE	2 AC.	34.2± AC.
MIN. LOT WIDTH	150 FT	1,011± FT
MIN. LOT DEPTH	150 FT	1,114± FT
MIN. SIDE YARD SETBACK	50 FT	60± FT
MIN. FRONT YARD SETBACK	50 FT	55± FT
MIN. REAR YARD SETBACK	50 FT	50± FT
MAX. PANEL HEIGHT	15 FT	12± FT
MAX. LOT COVERAGE (INCLUDING PANELS)	80%	11.3± %

11/23/2021 3:04 PM M:\Con Edison\CEB\014847\00 Con Edison CEB - Yorktown A Solar Farm\k.d Dwg\k.d Civi\114847.00 Site Plan.dwg

YORKTOWN A SOLAR FARM

FOOTHILL STREET

TOWN OF YORKTOWN
WESTCHESTER COUNTY
NEW YORK

**CON EDISON CLEAN
ENERGY BUSINESSES, INC.**

100 SUMMIT LAKE DRIVE
VALHALLA, NY 10595

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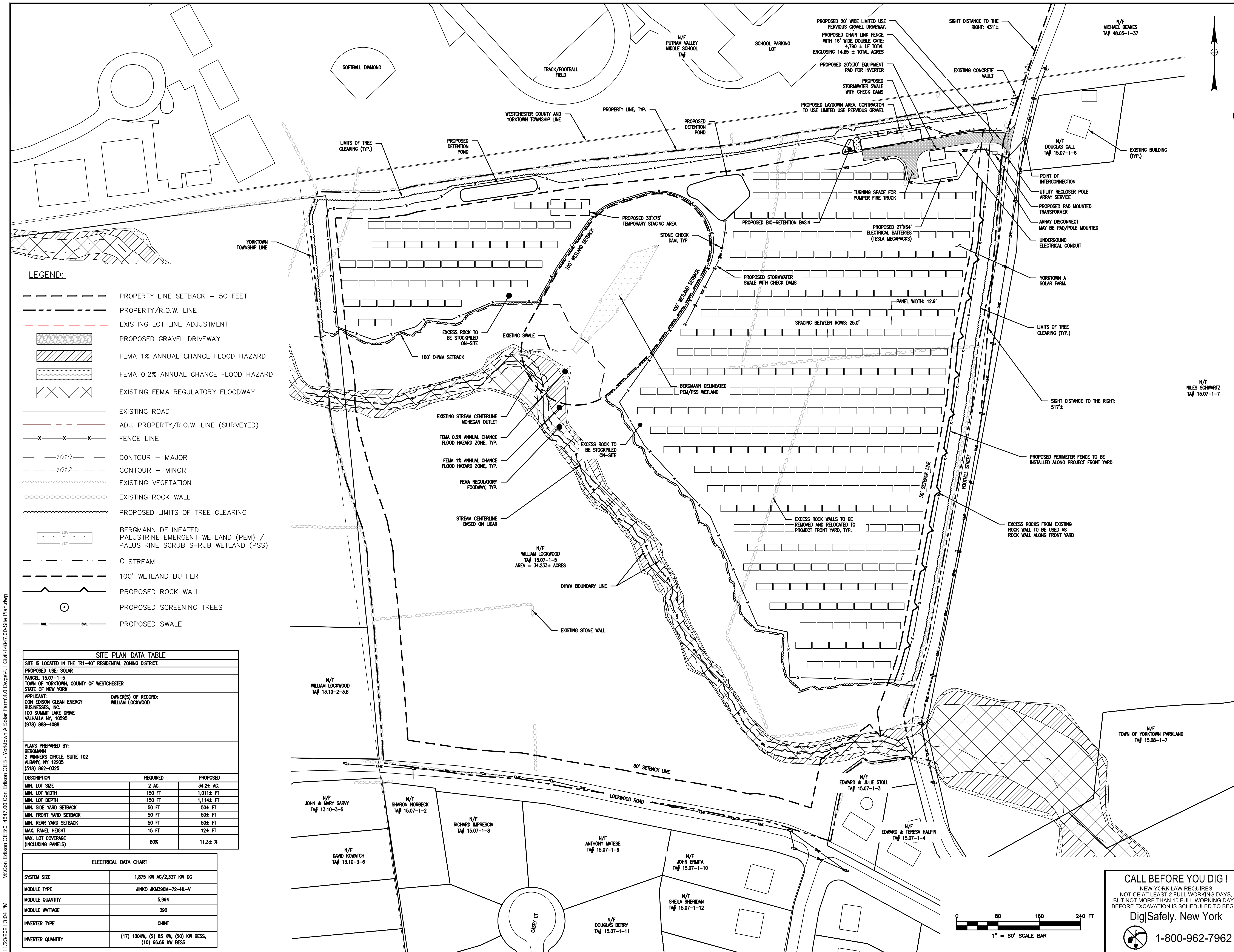
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Project Number: 14847.00			

SITE PLAN

C002



- LEGEND:**
- PROPERTY LINE SETBACK - 50 FEET
 - PROPERTY/R.O.W. LINE
 - - - EXISTING LOT LINE ADJUSTMENT
 - [Pattern] PROPOSED GRAVEL DRIVEWAY
 - [Pattern] FEMA 1% ANNUAL CHANCE FLOOD HAZARD
 - [Pattern] FEMA 0.2% ANNUAL CHANCE FLOOD HAZARD
 - [Pattern] EXISTING FEMA REGULATORY FLOODWAY
 - EXISTING ROAD
 - - - ADJ. PROPERTY/R.O.W. LINE (SURVEYED)
 - x - x - x - FENCE LINE
 - 1010 --- CONTOUR - MAJOR
 - 1012 --- CONTOUR - MINOR
 - [Pattern] EXISTING VEGETATION
 - [Pattern] EXISTING ROCK WALL
 - [Pattern] PROPOSED LIMITS OF TREE CLEARING
 - [Pattern] BERGMANN DELINEATED PALUSTRINE EMERGENT WETLAND (PEM) / PALUSTRINE SCRUB SHRUB WETLAND (PSS)
 - Q --- STREAM
 - 100' WETLAND BUFFER
 - [Pattern] PROPOSED ROCK WALL
 - [Pattern] PROPOSED SCREENING TREES
 - SW --- PROPOSED SWALE

SITE PLAN DATA TABLE

SITE IS LOCATED IN THE "R1-40" RESIDENTIAL ZONING DISTRICT.
PROPOSED USE: SOLAR

PARCEL 15.07-1-5
TOWN OF YORKTOWN, COUNTY OF WESTCHESTER
STATE OF NEW YORK

APPLICANT:
CON EDISON CLEAN ENERGY
BUSINESSES, INC.
100 SUMMIT LAKE DRIVE
VALHALLA, NY, 10595
(878) 868-4088

OWNER(S) OF RECORD:
WILLIAM LOCKWOOD
N/F WILLIAM LOCKWOOD
TA# 13.10-2-3.8

PLANS PREPARED BY:
BERGMANN
12 WINNERS CIRCLE, SUITE 102
ALBANY, NY 12205
(518) 862-0325

DESCRIPTION	REQUIRED	PROPOSED
MIN. LOT SIZE	2 AC.	34.2± AC.
MIN. LOT WIDTH	150 FT	1,011± FT
MIN. LOT DEPTH	150 FT	1,114± FT
MIN. SIDE YARD SETBACK	50 FT	50± FT
MIN. FRONT YARD SETBACK	50 FT	50± FT
MIN. REAR YARD SETBACK	50 FT	50± FT
MAX. PANEL HEIGHT	15 FT	12± FT
MAX. LOT COVERAGE (INCLUDING PANELS)	80%	11.3± %


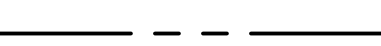

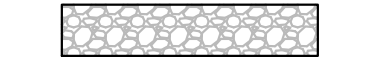


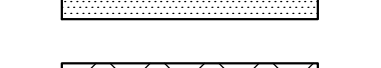
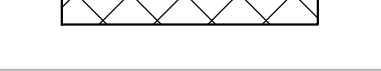

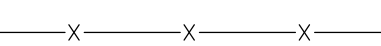


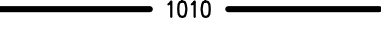
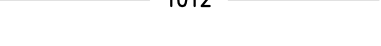





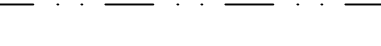

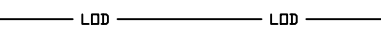

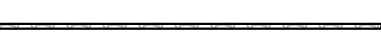
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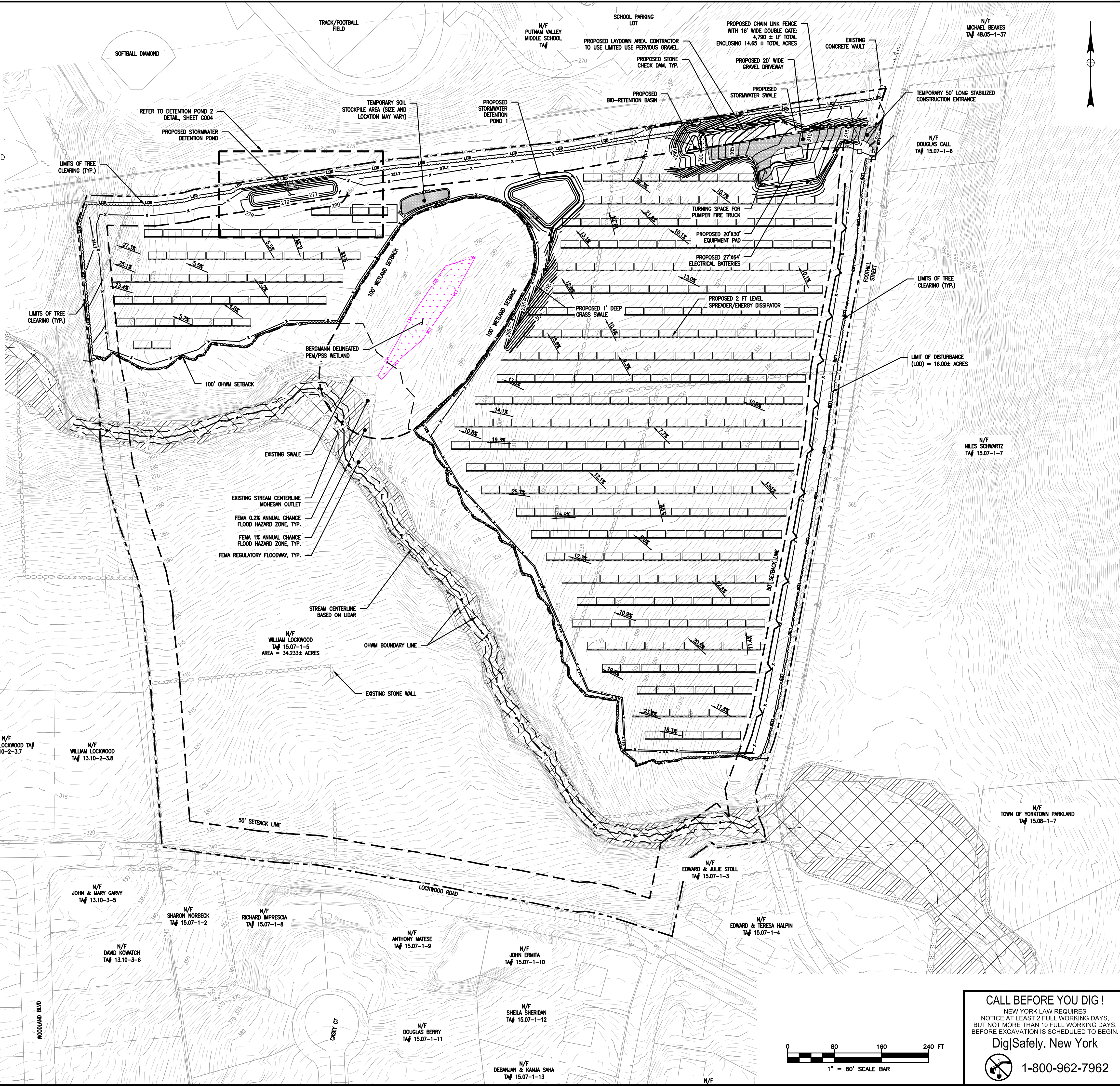
SYSTEM SIZE	1,875 KW AC/2,337 KW DC
MODULE TYPE	JINKO JKM390M-72-HL-V
MODULE QUANTITY	5,994
MODULE WATTAGE	390
INVERTER TYPE	CHINT
INVERTER QUANTITY	(17) 100KW, (2) 85 KW, (20) KW BESS, (10) 66.66 KW BESS

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11/23/2021 3:04 PM M:\Con Edison\CEB\014847\200 Con Edison CEB - Yorktown A Solar Farm\K0 Dwg\K4.1 CIV\114847.00 Site Plan.dwg

- LEGEND:**
-  PROPERTY LINE SETBACK - 50 FEET
 -  PROPERTY/R.O.W. LINE (SURVEYED)
 -  EXISTING LOT LINE ADJUSTMENT
 -  PROPOSED GRAVEL DRIVEWAY
 -  PROPOSED ASPHALT PAVEMENT
 -  FEMA 1% ANNUAL CHANCE FLOOD HAZARD
 -  FEMA 0.2% ANNUAL CHANCE FLOOD HAZARD
 -  EXISTING FEMA REGULATORY FLOODWAY
 -  EXISTING ROAD
 -  ADJ. PROPERTY/R.O.W. LINE (SURVEYED)
 -  FENCE LINE
 -  EXISTING CONTOUR - MAJOR
 -  EXISTING CONTOUR - MINOR
 -  PROPOSED CONTOUR - MAJOR
 -  PROPOSED CONTOUR - MINOR
 -  EXISTING VEGETATION
 -  EXISTING ROCK WALL
 -  PROPOSED LIMITS OF TREE CLEARING
 -  BERGMANN DELINEATED PALUSTRINE EMERGENT WETLAND (PEM) / PALUSTRINE SCRUB SHRUB WETLAND (PSS)
 -  Q STREAM
 -  100' WETLAND BUFFER
 -  LIMITS OF DISTURBANCE LINE
 -  SILT SOCK
 -  LEVEL SPREADER/ENERGY DISSIPATOR



YORKTOWN A SOLAR FARM

FOOTHILL STREET

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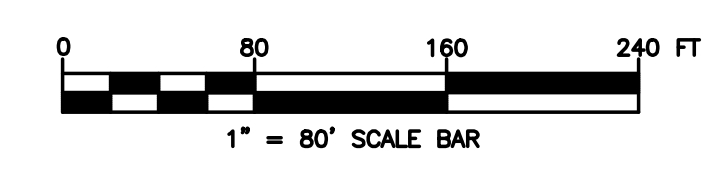


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GRADING / SWPPP PLAN

C003

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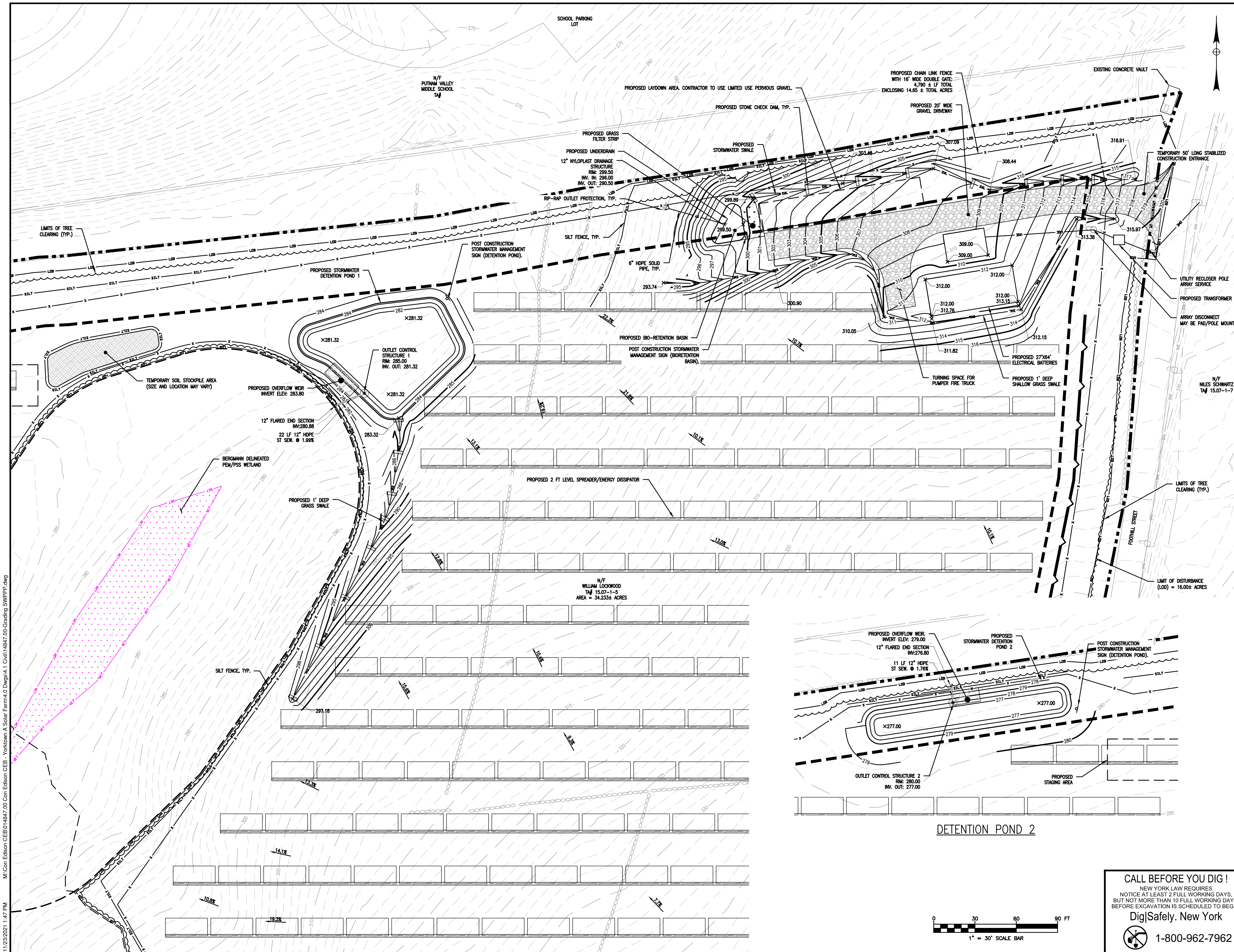
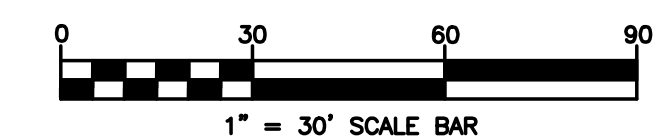
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Date Issued: OCTOBER 27, 2020	Scale: 1"=30'
Project Number: 14847.00	

DETAILED GRADING PLAN

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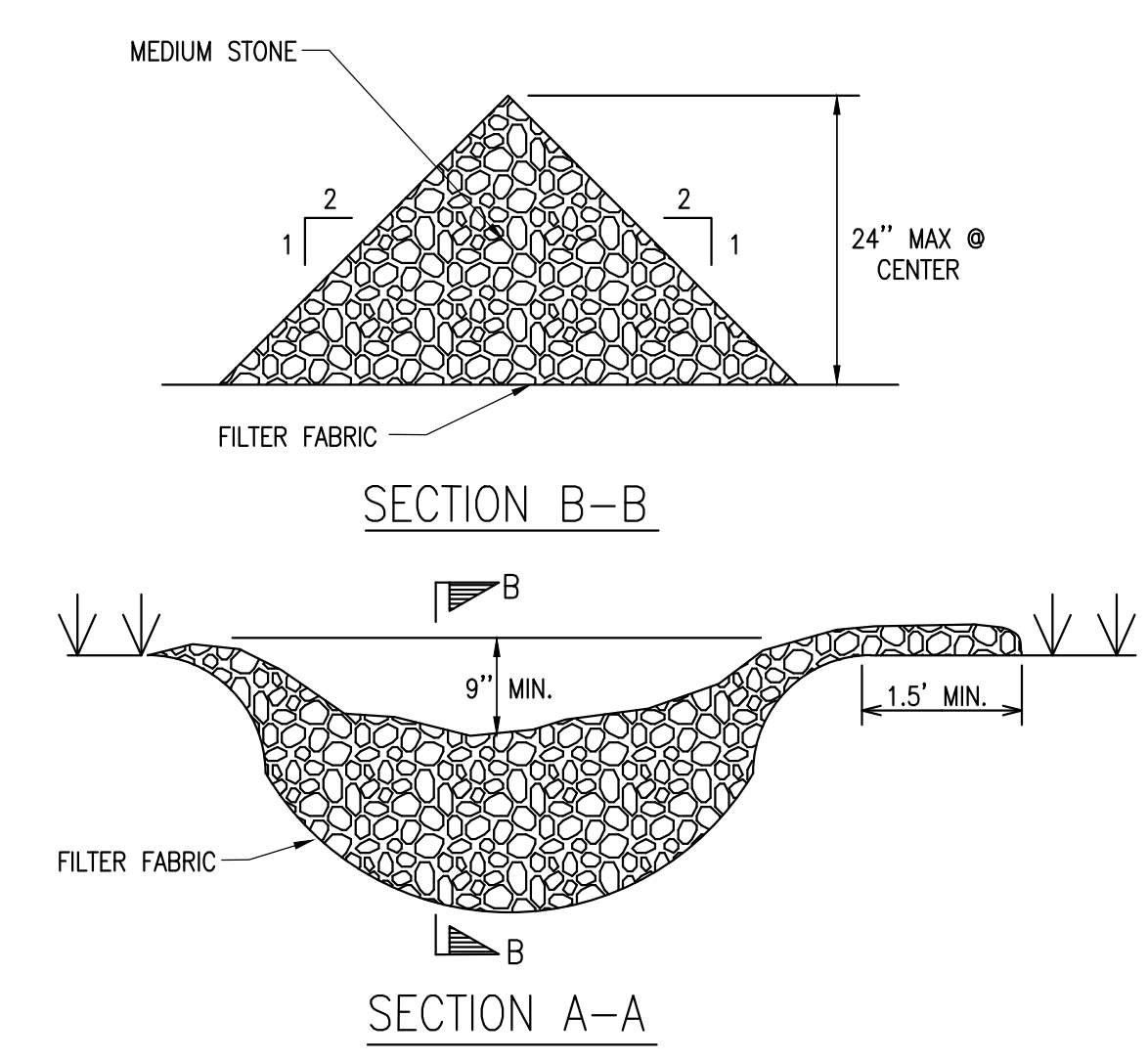
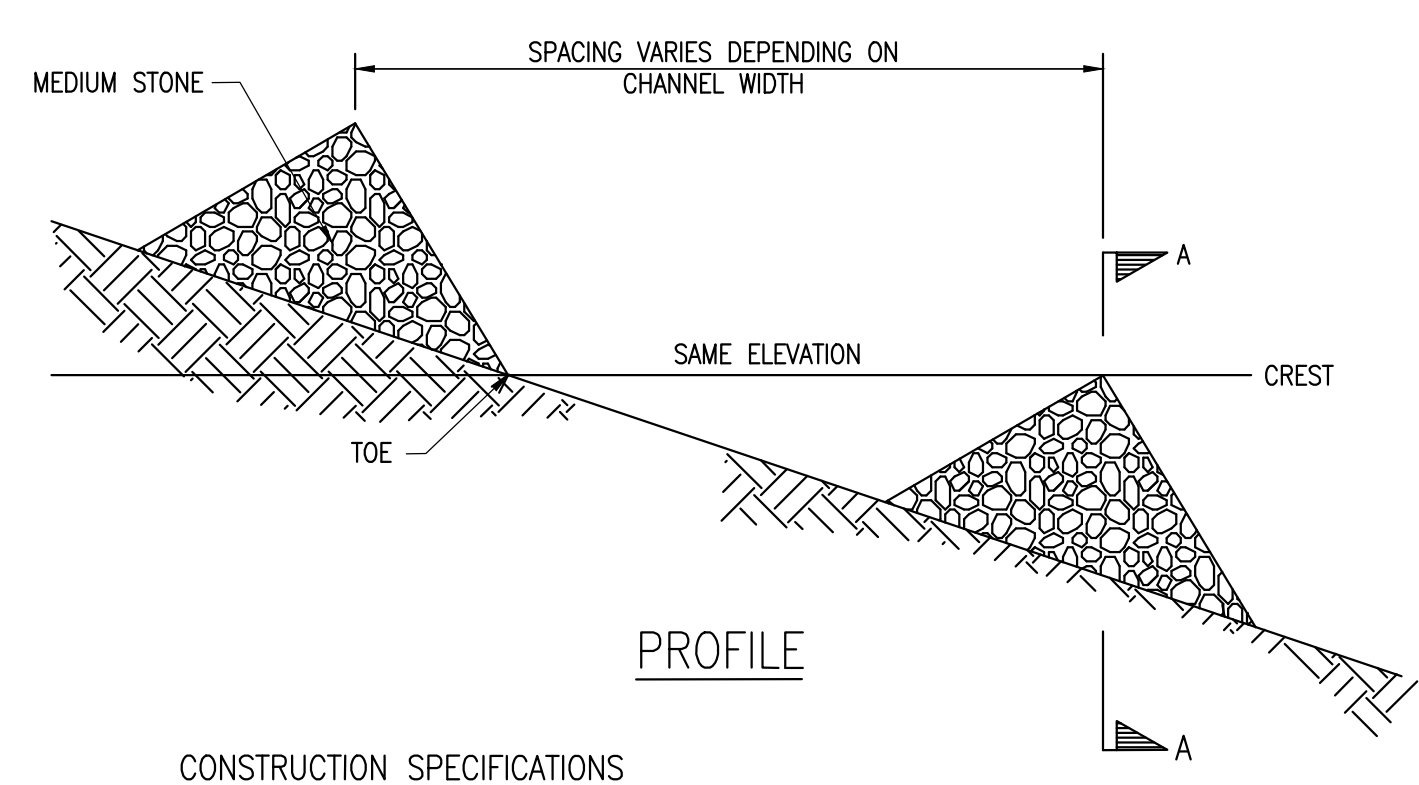
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WD	WD
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OCTOBER 27, 2020	AS NOTED
Project Number:	
14847.00	

DRIVEWAY DETAILS

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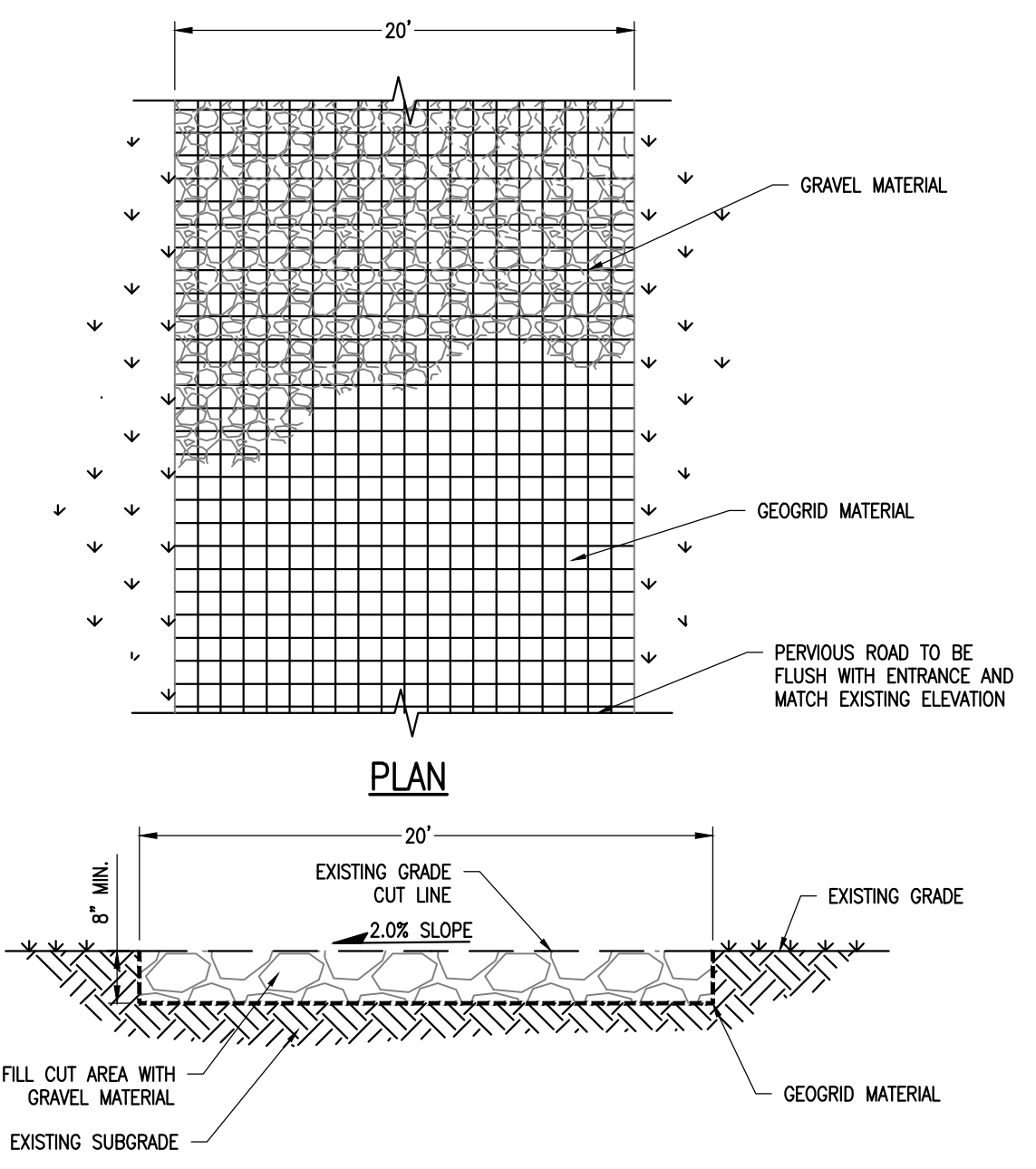
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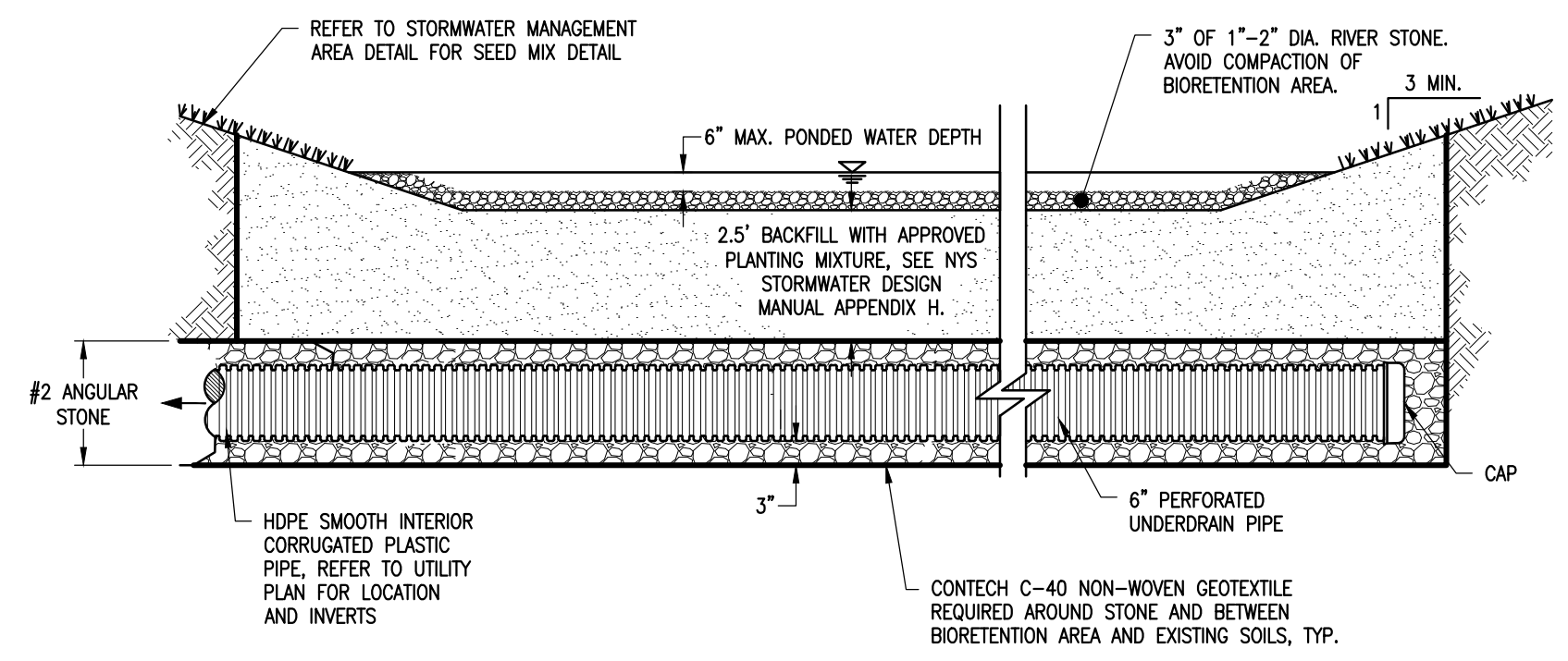
- CONSTRUCTION SPECIFICATIONS**
- STONE WILL BE PLACED ON A FILTER FABRIC FOUNDATION TO THE LINES GRADES AND LOCATIONS SHOWN ON THE PLAN.
 - SET SPACING OF CHECK DAMS TO ASSUME THAT THE ELEVATIONS OF THE CREST OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
 - EXTEND THE STONE A MINIMUM OF 1.5' BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
 - PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.
 - ENSURE THAT CHANNEL APPURTENANCES SUCH AS CULVERT ENTRANCES BELOW CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR BLOCKAGE FROM DISPLACED STONES.

LIGHT STONE CHECK DAM
NOT TO SCALE

- GEOGRID MATERIAL NOTES:**
- THE GEOGRID, OR COMPARABLE PRODUCT, IS INTENDED FOR USE IN ALL CONDITIONS, IN ORDER TO ASSIST IN MATERIAL SEPARATION FROM NATIVE SOILS AND PRESERVE ACCESS LOADS.
 - GRAVEL FILL MATERIAL SHALL CONSIST OF 1-4" CLEAN, DURABLE, SHARP ANGLED CRUSHED STONE OF UNIFORM QUALITY, MEETING THE SPECIFICATION OF NYSDOT 703-02, SIZE DESIGNATION 3-5 OF TABLE 703-4. STONE MAY BE PLACED IN FRONT OF AND SPREAD WITH A TRACKED VEHICLE. GRAVEL SHALL NOT BE COMPACTED.
 - GEOGRID SHALL BE MIRAFI BX110 OR APPROVED EQUAL. GEOGRID SHALL BE DESIGNED BASED ON EXISTING SOIL CONDITIONS AND PROPOSED HAUL ROAD SLOPES.
 - IF MORE THAN ONE ROLL WIDTH IS REQUIRED, ROLLS SHOULD OVERLAP A MINIMUM OF SIX INCHES.
 - REFER TO MANUFACTURER'S SPECIFICATION FOR PROPER TYING AND CONNECTIONS.
 - LIMITED USE PERVIOUS ACCESS ROAD SHALL BE DRESSED AS REQUIRED WITH ONLY 1-4" CRUSHED STONE MEETING NYSDOT 703-02 SPECIFICATIONS.
- BASIS OF DESIGN:** TENCATE MIRAFI BX110 GEOGRIDS; 365 SOUTH HOLLAND DRIVE, PENDERGRASS, GA; 800-685-9990 OR 706-693-2226; WWW.MIRAFI.COM
- WOVEN GEOTEXTILE MATERIAL NOTES:**
- SPECIFIED GEOTEXTILE WILL ONLY BE UTILIZED IN PLACID SOILS. PLACID SOILS CONSIST OF POORLY DRAINED SOILS COMPOSED OF FINELY TEXTURED PARTICLES AND ARE PRONE TO RUTTING. PLACID SOILS ARE TYPICALLY PRESENT IN LOW-LYING AREAS WITH HYDROLOGIC SOILS GROUP (HSG) OF C OR D OR AS SPECIFIED FROM AN ENVIRONMENTAL SCIENTIST, SOIL SCIENTIST OR GEOTECHNICAL DATA.
 - THE CONCERN OF POTENTIAL REDUCTION OF NATIVE INFILTRATION RATES DUE TO THE GEOTEXTILE MATERIAL WOULD NOT BE A SIGNIFICANT CONCERN IN POORLY DRAINED SOILS WHERE SEGREGATION OF PERVIOUS STONE AND NATIVE MATERIALS IS CRUCIAL FOR LONG TERM OPERATION AND MAINTENANCE.
- BASIS OF DESIGN:** TENCATE MIRAFI RSI-SERIES WOVEN GEOSYNTHETICS; 365 SOUTH HOLLAND DRIVE, PENDERGRASS, GA; 800-685-9990 OR 706-693-2226; WWW.MIRAFI.COM



LIMITED USE PERVIOUS ACCESS ROAD - 0% TO 10% SLOPES
NO SCALE



BIORETENTION AREA DETAIL
N.T.S.

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YORKTOWN A SOLAR FARM

FOOTHILL STREET

TOWN OF YORKTOWN
WESTCHESTER COUNTY
NEW YORK

**CON EDISON CLEAN
ENERGY BUSINESSES, INC.**

100 SUMMIT LAKE DRIVE
VALHALLA, NY 10595

B BERGMANN
ARCHITECTS ENGINEERS PLANNERS

Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.
2 Winners Circle, Suite 102
Albany, NY 12205

office: 518.862.0325

www.bergmannpc.com

REVISIONS				
NO.	DATE	DESCRIPTION	REV.	CK'D
1	1/28/2021	PLAN REVISIONS	WD	ECR
2	11/22/2021	PLAN REVISIONS	WD	ECR

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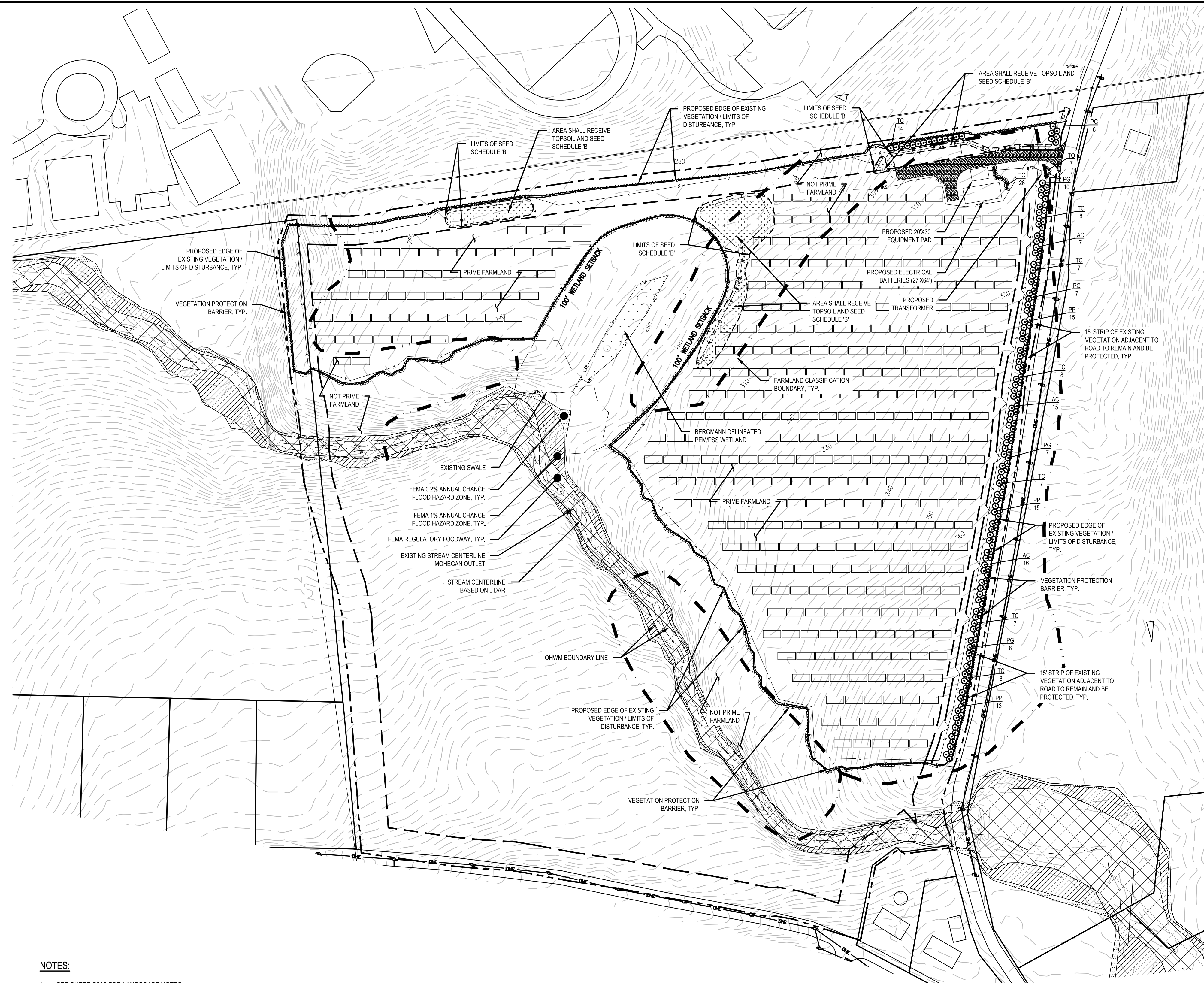
Note:
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the New York State Education Law Article 145, Section 7209.

Project Manager:	ECR	Drawn By:	ECR
Checked By:	WD	Scale:	1"=100'
Date Issued:	OCTOBER 27, 2020	Project Number:	14847.00

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C006



LEGEND:

- PROPOSED TREE PLANTING
- VEGETATION PROTECTION BARRIER
- SEED LIMIT LINE
- SEED SCHEDULE 'B'
- PROPOSED GRAVEL DRIVEWAY
- FEMA 1% ANNUAL CHANCE FLOOD HAZARD
- FEMA 0.2% ANNUAL CHANCE FLOOD HAZARD
- EXISTING FEMA REGULATORY FLOODWAY
- EXISTING ROAD
- ADJ. PROPERTY/R.O.W. LINE (SURVEYED)
- FENCE LINE
- EXISTING VEGETATION
- PROPOSED LIMITS OF TREE CLEARING
- BERGMANN DELINEATED PALUSTRINE EMERGENT WETLAND (PEM) / PALUSTRINE SCRUB SHRUB WETLAND (PSS)
- STREAM
- 100' WETLAND SETBACK
- FARMLAND CLASSIFICATION BOUNDARY

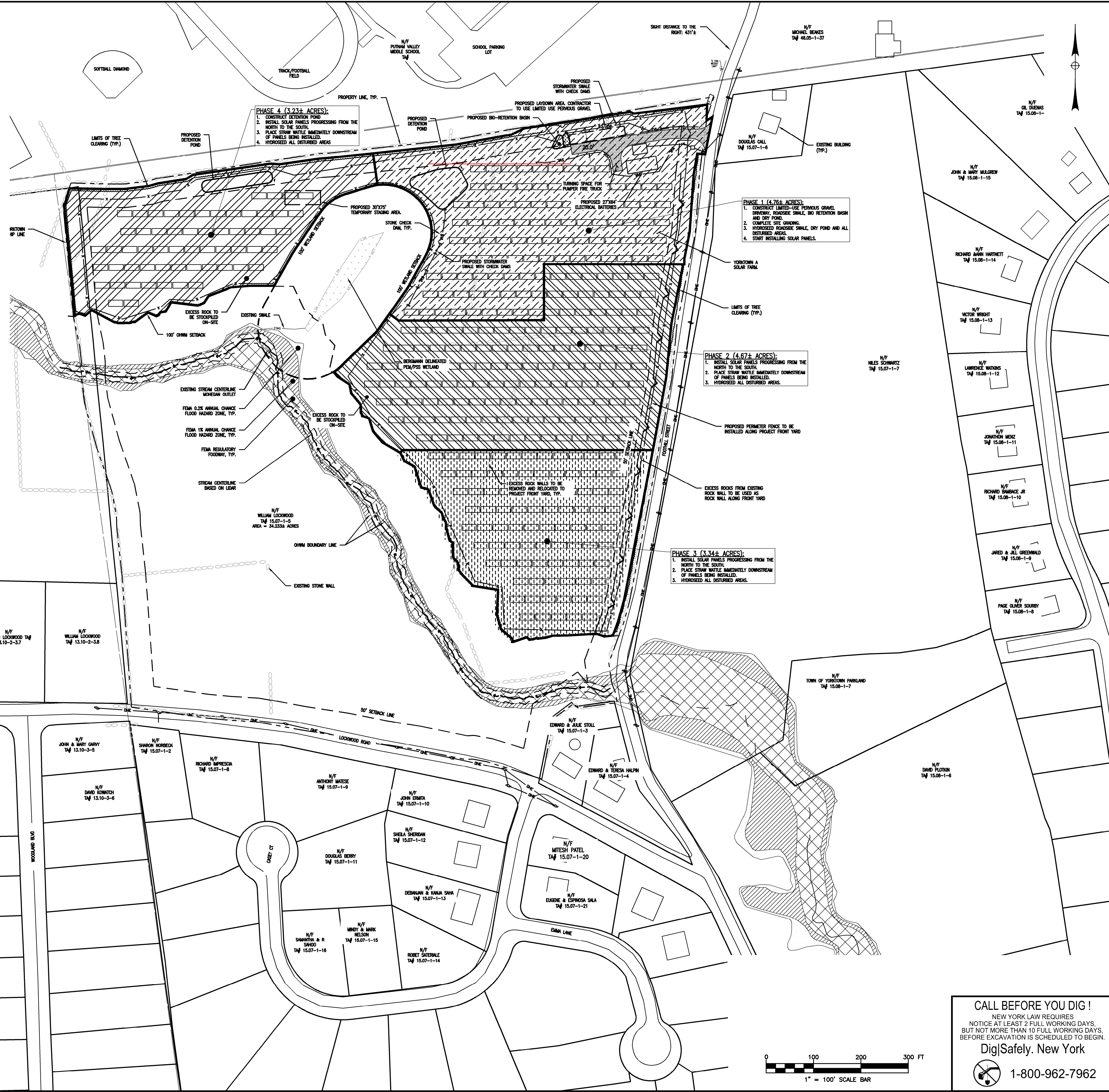
- NOTES:**
- SEE SHEET C006 FOR LANDSCAPE NOTES.
 - SEE SHEET C007 FOR LANDSCAPE DETAILS.
 - SEE SHEET C009 FOR SEED SCHEDULES.

PLANT LIST								
Key	Qty.	Botanical Name	Common Name	Mature Size		Installed Size	Condition	Notes
				Height	Spread			
Evergreen Trees								
AC	39	Abies concolor	White Fir	50-75 Ht.	20-30' Sprd.	6-7 Ht.	B&B	
TC	59	Tsuga Canadensis	Canadian Hemlock	40-70 Ht.	25-35' Sprd.	8' Ht.	B&B	
PG	36	Picea glauca	White Spruce	40-60 Ht.	10-20' Sprd.	8' Ht.	B&B	
PP	43	Picea pungens	Colorado Spruce	30-60 Ht.	10-20' Sprd.	7-8' Ht.	B&B	
Evergreen Shrubs								
TO	33	Thuja occidentalis 'Emerald Green'	Emerald Green Arborvitae	7-15 Ht.	3-4' Sprd.	5' Ht.	B&B	

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LEGEND:

- PROPERTY LINE SETBACK - 50 FEET
- - - PROPERTY/R.O.W. LINE
- - - EXISTING LOT LINE ADJUSTMENT
- ▨ PROPOSED GRAVEL DRIVEWAY
- ▨ FEMA 1% ANNUAL CHANCE FLOOD HAZARD
- ▨ FEMA 0.2% ANNUAL CHANCE FLOOD HAZARD
- ▨ EXISTING FEMA REGULATORY FLOODWAY
- EXISTING ROAD
- - - ADJ. PROPERTY/R.O.W. LINE (SURVEYED)
- x - x - FENCE LINE
- - -1010- CONTOUR - MAJOR
- - -1012- CONTOUR - MINOR
- ~ ~ ~ EXISTING VEGETATION
- ~ ~ ~ EXISTING ROCK WALL
- ~ ~ ~ PROPOSED LIMITS OF TREE CLEARING
- BERGMANN DELINEATED PALUSTRINE EMERGENT WETLAND (PEM) / PALUSTRINE SCRUB SHRUB WETLAND (PSS)
- & STREAM
- - - 100' WETLAND BUFFER
- - - PROPOSED ROCK WALL
- PROPOSED SCREENING TREES
- PROPOSED SWALE
- ▨ PHASE 1
- ▨ PHASE 2
- ▨ PHASE 3
- ▨ PHASE 4



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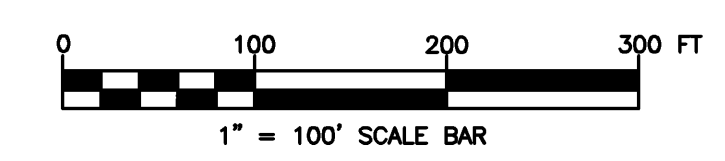


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PHASING PLAN

C007

11/23/2021 2:41 PM M:\Con Edison\CEB\014847\00 Con Edison\CEB - Yorktown A Solar Farm\4.0 Dwg\4.1 Civil\14847.00 Phasing Plan.dwg

GENERAL NOTES

1. THE UNDERGROUND STRUCTURES AND UTILITIES SHOWN ON THIS MAP HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORD MAPS. THEY ARE NOT CERTIFIED TO THE ACCURACY OF THEIR LOCATION AND/OR COMPLETENESS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND EXTENT OF ALL UNDERGROUND STRUCTURES AND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION ACTIVITIES IN THEIR VICINITY. THE CONTRACTOR SHALL HAVE ALL EXISTING UTILITIES FIELD STAKED BEFORE STARTING WORK BY CALLING 1-800-962-7962.
2. THE CONTRACTOR SHALL PERFORM ALL WORK IN COMPLIANCE WITH TITLE 29 OF FEDERAL REGULATIONS, PART 1926, SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION(OSHA).
3. HIGHWAY DRAINAGE ALONG ALL ROADS AND PRIVATE DRIVES SHALL BE KEPT CLEAN OF MUD, DEBRIS, ETC. AT ALL TIMES.
4. THE CONTRACTOR SHALL CONSULT THE DESIGN ENGINEER BEFORE DEVIATING FROM THESE PLANS.
5. IN ALL TRENCH EXCAVATIONS, CONTRACTOR MUST LAY THE TRENCH SIDE SLOPES BACK TO A SAFE SLOPE, USE A TRENCH SHIELD OR PROVIDE SHEETING AND BRACING.
6. IF SUSPICIOUS AND/OR HAZARDOUS MATERIAL IS ENCOUNTERED DURING DEMOLITION/CONSTRUCTION, ALL WORK SHALL STOP AND THE WESTCHESTER COUNTY DEPARTMENT OF HEALTH AND THE NEW YORK STATE DEPARTMENT OF CONSERVATION SHALL BE NOTIFIED IMMEDIATELY. WORK SHALL NOT RESUME UNTIL THE DEVELOPER HAS OUTLINED APPROPRIATE ACTION FOR DEALING WITH THE WASTE MATERIAL AND THE DEVELOPMENT PLANS ARE MODIFIED AS MAY BE NECESSARY.
7. EXCAVATED WASTE MATERIAL REMOVED FROM THE SITE SHALL BE PLACED AT A LOCATION ACCEPTABLE TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
8. AREAS DISTURBED OR DAMAGED AS PART OF THIS PROJECTS CONSTRUCTION THAT ARE OUTSIDE OF THE PRIMARY WORK AREA SHALL BE RESTORED, AT THE CONTRACTORS EXPENSE, TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
9. UNLESS COVERED BY THE CONTRACT SPECIFICATIONS OR AS NOTED ON THE PLANS, ALL WORK SHALL CONFORM TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS DATED MAY 1, 2008 AND ANY SUBSEQUENT REVISIONS.

SITE STABILIZATION

1. WHEN FINAL GRADE IS ACHIEVED DURING NON-GERMINATING MONTHS, THE AREA SHOULD BE MULCHED UNTIL THE BEGINNING OF THE NEXT PLANTING SEASON.
2. MULCHES SHOULD BE APPLIED AT THE RATES SHOWN IN THE MULCH APPLICATION RATES TABLE. VERY LITTLE BARE GROUND SHOULD BE VISIBLE THROUGH THE MULCH.
3. STRAW AND HAY MULCH SHOULD BE ANCHORED OR TACKIFIED IMMEDIATELY AFTER APPLICATION TO PREVENT BEING WINDBLOWN. A TRACTOR-DRAWN IMPLEMENT MAY BE USED TO "CRIMP" THE STRAW OR HAY INTO THE SOIL - ABOUT 3 INCHES. THIS METHOD SHOULD BE LIMITED TO SLOPES NO STEEPER THAN 3H:1V. THE MACHINERY SHOULD BE OPERATED ALONG THE CONTOUR. NOTE: CRIMPING OF HAY OR STRAW BY RUNNING OVER IT WITH TRACKED MACHINERY IS NOT RECOMMENDED.
4. BEFORE SEEDING IS APPLIED THE CONTRACTOR SHALL SPREAD SOIL TO PREVENT PONDING AND CONFIRM THAT SOIL WILL SUSTAIN THE SEED GERMINATION AND ESTABLISHMENT OF VEGETATION.
5. GRADED AREAS SHOULD BE SCARIFIED OR OTHERWISE LOOSENED TO A DEPTH OF 3 TO 5 INCHES TO PERMIT BONDING OF THE TOPSOIL TO THE SURFACE AREAS AND TO PROVIDE A ROUGHENED SURFACE TO PREVENT TOPSOIL FROM SLIDING DOWN SLOPE. COMPACTED SOILS SHOULD BE SCARIFIED TO A DEPTH OF 6 TO 12 INCHES, ALONG CONTOUR WHEREVER POSSIBLE, PRIOR TO SEEDING.
6. TOPSOIL OR AMENDED SOIL SHOULD BE UNIFORMLY DISTRIBUTED ACROSS THE DISTURBED AREA TO A MINIMUM DEPTH OF 4 INCHES. SPREADING SHOULD BE DONE IN SUCH A MANNER THAT SODDING OR SEEDING CAN PROCEED WITH A MINIMUM OF ADDITIONAL PREPARATION OR TILLAGE. IRREGULARITIES IN THE SURFACE RESULTING FROM TOPSOIL PLACEMENT SHOULD BE CORRECTED IN ORDER TO PREVENT FORMATION OF DEPRESSIONS.
7. TOPSOIL SHOULD NOT BE PLACED WHILE THE TOPSOIL OF SUBSOIL IS IN A FROZEN OR MUDDY CONDITION, WHEN THE SUBSOIL IS EXCESSIVELY WET, OR IN A CONDITION THAT MAY OTHERWISE BE DETRIMENTAL TO PROPER GRADING AND SEEDBED PREPARATION.
8. WHEN USED AS A MULCH REPLACEMENT, THE APPLICATION RATE (THICKNESS) OF THE COMPOST SHOULD BE 2" TO 3". COMPOST SHOULD BE PLACED EVENLY AND SHOULD PROVIDE 100% SOIL COVERAGE. NO SOIL SHOULD BE VISIBLE.
9. POLYMERIC AND GUM TACKIFIERS MIXED AND APPLIED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS MAY BE USED TO TACK MULCH. AVOID APPLICATION DURING RAIN AND ON WINDY DAYS. A 24-HOUR CURING PERIOD AND A SOIL TEMPERATURE HIGHER THAN 45° F ARE TYPICALLY REQUIRED. APPLICATION SHOULD GENERALLY BE HEAVIEST AT EDGES OF SEEDED AREAS AND AT CRESTS OF RIDGES AND BANKS TO PREVENT LOSS BY WIND. THE REMAINDER OF THE AREA SHOULD HAVE BINDER APPLIED UNIFORMLY. BINDERS MAY BE APPLIED AFTER MULCH IS SPREAD OR SPRAYED INTO THE MULCH AS IT IS BEING BLOWN ONTO THE SOIL. APPLYING STRAW AND BINDER TOGETHER IS GENERALLY MORE EFFECTIVE.
10. SYNTHETIC BINDERS, OR CHEMICAL BINDERS, MAY BE USED AS RECOMMENDED BY THE MANUFACTURER TO ANCHOR MULCH PROVIDED SUFFICIENT DOCUMENTATION IS PROVIDED TO SHOW THEY ARE NON-TOXIC TO NATIVE PLANT AND ANIMAL SPECIES.
11. MULCH ON SLOPES OF 8% OR STEEPER SHOULD BE HELD IN PLACE WITH NETTING. LIGHTWEIGHT PLASTIC, FIBER, OR PAPER NETS MAY BE STAPLED OVER THE MULCH ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.
12. SHREDDED PAPER HYDROMULCH SHOULD NOT BE USED ON SLOPES STEEPER THAN 5%. WOOD FIBER HYDROMULCH MAY BE APPLIED ON STEEPER SLOPES PROVIDED A TACKIFIER IS USED. THE APPLICATION RATE FOR ANY HYDROMULCH SHOULD BE 2,000 LB/ACRE AT A MINIMUM.
13. LIME, FERTILIZER, SEED, AND MULCH DISTURBED AREAS PER THE EROSION AND SEDIMENT CONTROL PLANS. IN AREAS OF STEEP SLOPES OR OBVIOUS AREAS WHERE POTENTIAL EROSION MAY OCCUR, AN EROSION CONTROL MAT OR FLEXIBLE GROWTH MEDIUM (FGM) SHALL BE USED. FGM SHALL BE APPLIED PER MANUFACTURER SPECIFICATIONS.
14. ONCE A SECTION OF THE ALIGNMENT HAS BEEN STABILIZED, NO CONSTRUCTION TRAFFIC SHALL OCCUR TO REMOVE ANY BMPS UNTIL THE SECTION HAS ACHIEVED 80% PERENNIAL VEGETATIVE COVER. AN AREA SHALL BE CONSIDERED TO HAVE ACHIEVED FINAL STABILIZATION WHEN IT HAS A MINIMUM 80% PERENNIAL VEGETATIVE COVER OR OTHER PERMANENT NONVEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED EROSION AND SUBSURFACE CHARACTERISTICS SUFFICIENT TO RESIST SLIDING OR OTHER MOVEMENTS.

WASTE/HAZARDOUS MATERIAL PRACTICES

1. WHENEVER POSSIBLE COVERED TRASH CONTAINERS SHOULD BE USED.
2. DAILY SITE CLEANUP IS REQUIRED TO REDUCE DEBRIS AND POLLUTANTS IN THE ENVIRONMENT.
3. CONTRACTOR SHALL PROVIDE A SAFE STORAGE SPACE FOR ALL PAINTS, STAINS AND SOLVENTS INSIDE A COVERED STORAGE AREA.
4. CONTRACTOR SHALL PROVIDE A SAFE STORAGE AREA FOR PESTICIDES AND FERTILIZERS.
5. ALL FUELS, OILS AND GREASE MUST BE KEPT IN CONTAINERS AT ALL TIMES.

STORMWATER POLLUTION PREVENTION PLAN NOTES

1. THE DEVELOPER/OWNER/OPERATOR SHALL PROVIDE A QUALIFIED INSPECTOR TO INSPECT THE PROJECT AT THE END OF EACH WORK WEEK AND PROVIDE A REPORT AT LEAST ONCE PER WEEK.
2. INSTALL SILT FENCE, DIVERSION SWALES/BERMS, CHECK DAMS AND ALL OTHER EROSION CONTROL MEASURES AS INDICATED ON THE PLAN PRIOR TO THE START OF ANY EXCAVATION WORK. EROSION CONTROL MEASURES WILL BE IMPLEMENTED IN ACCORDANCE WITH THE NEW YORK STATE GUIDELINES FOR URBAN EROSION SEDIMENT CONTROL MANUAL, NEW YORK STATE HEALTH DEPARTMENT, AND THE GOVERNING CITY REQUIREMENTS.
3. REMOVE AND STOCKPILE TOPSOIL AS DIRECTED BY THE CONSTRUCTION MANAGER REPLACE TOPSOIL TO A MINIMUM 4" DEPTH WITH TOPSOIL OR AMENDED SOIL. ALL DISTURBED AREAS TO BE SEEDED TO PROMOTE VEGETATION AS SOON AS PRACTICABLE.
4. IF THE SEASONS PROHIBITS TEMPORARY SEEDING, THE DISTURBED AREAS WILL BE MULCHED WITH STRAW HAY OR EQUIVALENT AND ANCHORED IN ACCORDANCE WITH THE "STANDARDS", NETTING OR LIQUID MULCH BINDER.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REMOVAL OF TEMPORARY SEDIMENTATION CONTROLS. EROSION CONTROL MEASURES SHALL NOT BE REMOVED BEFORE 80% UNIFORM VEGETATION HAS BEEN ACHIEVED.
6. INSTALL INLET PROTECTION, AND RIP RAP APRONS PROGRESSIVELY AS STORM SEWER, AND DISCHARGE POINTS ARE INSTALLED.
7. ALL EROSION CONTROL MEASURES ARE TO BE REPLACED WHENEVER THEY BECOME CLOGGED OR INOPERABLE AND SHALL BE REPLACED AT A MINIMUM OF EVERY 3 MONTHS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF TOPSOIL OR AMENDED TO ALL DISTURBED AREAS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN EROSION CONTROL MEASURES AT ALL TIMES.
9. THE CONTRACTOR SHALL DESIGNATE A MEMBER OF HIS/HER FIRM TO BE RESPONSIBLE TO MONITOR EROSION CONTROL, EROSION CONTROL STRUCTURES, TREE PROTECTION AND PRESERVATION THROUGHOUT CONSTRUCTION.
10. ALL DISTURBED AREAS SHALL BE FINISH GRADED TO PROMOTE VEGETATION ON ALL EXPOSED AREAS AS SOON AS PRACTICABLE. STABILIZATION PRACTICES (TEMPORARY/PERMANENT SEEDING, MULCHING, GEOTEXTILES, ETC. MUST BE IMPLEMENTED WITHIN SEVEN (7) DAYS WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND NOT EXPECTED TO RESUME WITHIN FOURTEEN (14) DAYS.
11. PAVED ROADWAYS MUST BE KEPT CLEAN AT ALL TIMES. ALL CONSTRUCTION DEBRIS AND SEDIMENT SPOILS, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAYS MUST BE REMOVED IMMEDIATELY.
12. DUST SHALL BE CONTROLLED BY WATERING.
13. ADJOINING PROPERTY SHALL BE PROTECTED FROM EXCAVATION AND FILLING OPERATIONS ON THE PROPOSED SITE.
14. DIVERSION SWALES/BERMS, AND SEDIMENT TRAPS SHOULD BE RELOCATED INWARD AS PERIMETER SLOPE CONSTRUCTION PROGRESSES AND RECONSTRUCTED TO THE NYS STANDARDS & SPECIFICATIONS AT THE END OF EACH DAY TO DIVERT RUNOFF FROM SLOPED AREAS AND DIRECT TO APPROPRIATE BASINS.
15. SLOPE TRACKING SHALL BE IMPLEMENTED ON ALL SLOPE 1 ON 3 OR GREATER AT THE END OF EACH WORK DAY AND PRIOR TO FINAL SLOPE GRADING AND STABILIZATION.

SWPPP SEQUENCE OF CONSTRUCTION

1. PRE-CONSTRUCTION MEETING HELD TO INCLUDE PROJECT MANAGER, OPERATOR'S ENGINEER, CONTRACTOR, AND SUB-CONTRACTORS PRIOR TO LAND DISTURBING ACTIVITIES.
2. CONSTRUCT CONSTRUCTION ENTRANCE/EXIT AT LOCATIONS DESIGNATED ON PLANS.
3. INSTALL COMPOST SILT SOCK.
4. BEGIN SITE APPURTENANCE DEMOLITION.
5. BEGIN CLEARING AND GRUBBING OPERATIONS. CLEARING AND GRUBBING SHALL BE DONE ONLY IN AREAS WHERE EARTHWORK WILL BE PERFORMED AND ONLY IN AREAS WHERE CONSTRUCTION IS PLANNED TO COMMENCE WITHIN 14 DAYS AFTER CLEARING AND GRUBBING.
6. HAVE A QUALIFIED PROFESSIONAL CONDUCT AN ASSESSMENT OF THE SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND CERTIFY IN AN INSPECTION REPORT THAT THE APPROPRIATE EROSION AND SEDIMENT CONTROLS DESCRIBED IN THE SWPPP AND REQUIRED BY THE NYSDEC PERMIT HAVE BEEN ADEQUATELY INSTALLED OR IMPLEMENTED TO ENSURE OVERALL PREPAREDNESS OF THE SITE FOR THE COMMENCEMENT OF CONSTRUCTION.
7. STRIP TOPSOIL AND STOCKPILE IN A LOCATION ACCEPTABLE TO CONSTRUCTION MANAGER. WHEN STOCKPILE IS COMPLETE, INSTALL PERIMETER SILT FENCE. SEED SURFACE WITH 100% PERENNIAL RYEGRASS MIXTURE AT A RATE OF 2-4 LBS. PER 1000 SF. APPLY 90-100 LBS PER 1000 SF OF MULCH.
8. COMMENCE EARTHWORK CUT AND FILLS. THE WORK SHALL BE PROGRESSED TO ALLOW A REASONABLE TRANSFER OF CUT AND FILL EARTH FOR ROUGH GRADING AND EARTH MOVING. THE CONTRACTOR WILL BE GIVEN SOME LATITUDE TO VARY FROM THE FOLLOWING SCHEDULE IN ORDER TO MEET THE FIELD CONDITIONS ENCOUNTERED. CONTRACTOR SHALL REVIEW VARIATIONS TO SWPPP WITH DESIGN ENGINEER AND QUALIFIED PROFESSIONAL PRIOR TO IMPLEMENTATION. ALL CHANGES TO SWPPP DRAWINGS MUST BE DOCUMENTED WITHIN ONSITE SWPPP.
9. STABILIZE ALL AREAS AS SOON AS PRACTICABLE, IDLE IN EXCESS OF 7 DAYS AND IN WHICH CONSTRUCTION WILL NOT COMMENCE WITHIN 14 DAYS.
10. FOLLOWING ROUGH GRADING, UTILITY INSTALLATION SHOULD BEGIN. TRENCH EXCAVATION/BACKFILL AREAS SHOULD BE STABILIZED PROGRESSIVELY AT THE END OF EACH WORKDAY WITH SEED AND STRAW MULCH AT A RATE OF 100% PERENNIAL RYE GRASS AT 2-4 LBS/1000 SF MULCHED AT 90-100 LBS/1000 SF.
11. CONSTRUCT SWALES AS SHOWN ON THE PLANS.
12. STABILIZE ALL AREAS IDLE IN EXCESS OF 7 DAYS IN WHICH CONSTRUCTION WILL NOT COMMENCE WITHIN 14 DAYS.
13. AS ROADWAY AND ACCESS DRIVES ARE BROUGHT TO GRADE, THEY WILL BE STABILIZED WITH CRUSHED STONE SUBBASE AT A DEPTH SPECIFIED ON PLANS TO PREVENT EROSION AS SOON AS PRACTICABLE.
14. AS LANDSCAPED AREAS ARE BROUGHT TO GRADE, STABILIZE WITH TOPSOIL, SEEDING AND MULCHING PER SPECIFICATIONS.
15. REMOVE TEMPORARY CONSTRUCTION EXITS ONLY PRIOR TO GRAVEL ROAD CONSTRUCTION (THESE AREAS ARE TO BE CONSTRUCTED LAST).
16. THE DEVELOPER/OWNER/OPERATOR SHALL HAVE A QUALIFIED PROFESSIONAL CONDUCT AN ASSESSMENT OF THE SITE AND FINAL REPORT TO DETERMINE ALL PERMANENT STORMWATER MEASURES HAVE BEEN INSTALLED PER PLANS AND 80% UNIFORM GERMINATION STABILIZATION HAS BEEN ACHIEVED PRIOR TO THE REMOVAL OF ALL REMAINING TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES.

LANDSCAPE NOTES

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
2. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK", ANSI Z60.1 (LATEST EDITION), REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
3. ALL PLANTS MUST BE HARDY UNDER CLIMATE CONDITIONS THAT EXIST AT THE PROJECT SITE AND GROWN AT A NURSERY AT THE SAME HARDINESS ZONE AS THE PROJECT LOCATION.
4. NO SUBSTITUTIONS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN APPROVAL OF THE OWNER OR OWNER'S REPRESENTATIVE.
5. ALL TREES MUST BE STRAIGHT TRUNKED, INJURY FREE, AND FULL HEADED.
6. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
7. ANY DISCREPANCY WITH QUANTITIES, LOCATIONS AND / OR FIELD CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
8. MULCH ALL ISLANDS AND PLANTINGS IN LAWN AREAS WITH DOUBLE GROUND BARK MULCH MADE FROM A MIXTURE OF HARDWOOD AND/OR SOFTWOOD. MULCH SHALL BE AGED A MIN. OF ONE (1) YEAR FOR PARTIAL DECOMPOSITION. IT SHALL BE SCREENED TO EXCLUDE PARTICLES LARGER THAN ONE (1) INCH IN DIAMETER. MATERIAL SHALL BE COMPOSED OF BARK AND HAVE A LOW WOOD CONTENT WITH NO HIDDEN WOODS FROM CONSTRUCTION DEBRIS. PALLETS OR PRESSURE TREATED LUMBER AND BE FREE OF WEEDS, SEEDS, AND GREEN LEAF MATTER. IT SHALL BE NATURALLY DARK BROWN IN COLOR. NO DYED MULCH WILL BE ACCEPTED. MULCH DEPTH SHALL BE THREE (3) INCHES UNLESS OTHERWISE DIRECTED.
9. ANY PLANT WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY AND SIZE MEETING ALL PLANT LIST SPECIFICATIONS.
10. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANT MATERIALS (INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, AND REMOVAL OF STAKES AND GUYS) AND LAWN AREAS UNTIL FINAL ACCEPTANCE BY THE OWNER.
11. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR, BEGINNING ON THE DATE OF FINAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE THE END OF THE GUARANTEE PERIOD.
12. ALL AREAS DISTURBED BY UTILITY INSTALLATION AND SITE GRADING ACTIVITY SHALL RECEIVE APPROVED TOPSOIL (TO A COMPACTED DEPTH OF FOUR (4) INCHES, UNLESS OTHERWISE SPECIFIED BY THE GOVERNING MUNICIPALITY), BE FINE GRADED, SEEDED, MULCHED AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
13. ALL TOPSOIL SHALL BE SCREENED LOAM SURFACE SOIL, FREE OF STONES AND SHALL HAVE THE FOLLOWING MINIMUM REQUIREMENTS:
 - a) AN ORGANIC CONTENT OF 6-12%
 - b) SOIL ACIDITY RANGE OF pH 6.0 TO pH 6.8
 - c) SOLUBLE SALTS OF 1000 PPM OR LESS
 - d) MAXIMUM CLAY CONTENT OF 15-20%
14. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING, AT THEIR EXPENSE, A CERTIFIED SOIL TEST ANALYSIS OF ON SITE AND / OR IMPORTED TOPSOIL. TOPSOIL ANALYSIS TO INCLUDE THE FOLLOWING DATA:
 - a) pH FACTOR.
 - b) MECHANICAL ANALYSIS, INCLUDING SIEVE ANALYSIS PROVIDING SEPARATE SAND, SILT AND CLAY PERCENTAGES.
 - c) PERCENTAGE OF ORGANIC CONTENT BY WEIGHT
 - d) NUTRIENT LEVELS INCLUDING NITROGEN, PHOSPHOROUS AND POTASSIUM.
15. SHOULD TESTS AND ANALYSIS INDICATE THAT SOIL PROPOSED FOR USE IS DEFICIENT IN ANY OF THE ABOVE REQUIREMENTS, A SYSTEM OF AMELIORATING MAY BE PROPOSED FOR APPROVAL. ANY SYSTEM PROPOSED SHALL PROVIDE FOR AN ACIDITY RANGE OF Ph 6.0 TO 6.8 INCLUSIVE.
16. COMPOST SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:
 - a) ORGANIC CONTENT OF 35-60% (DRY WEIGHT BASIS)
 - b) LOOSE AND FRIBLE WITH MOISTURE CONTENT OF 35-60% (WET WEIGHT BASIS)
 - c) PARTICLE SIZE SHALL BE <1/2 INCH (100% PASSING)
 - d) SOLUBLE SALTS CONCENTRATION SHALL BE <4.0 MMHOS/CM (DSM), MAXIMUM
 - e) pH RANGE OF 6.0-8.5
17. PLANTING MIX FOR PLANT PITS SHALL BE COMPOSED OF (2) PARTS IMPORTED OR ON-SITE SCREENED TOPSOIL AND (1) PART COMPOST. THE RATIO OF TOPSOIL TO COMPOST IS SUBJECT TO CHANGE BASED ON THE TESTING RESULTS FOR TOPSOIL.
18. LOCATIONS OF EXISTING BURIED UTILITIES SHOWN ON THE PLAN ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF ALL UNDERGROUND UTILITY LINES ADJACENT TO THE WORK AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES AND SITE APPURTENANCES, ETC., WHICH OCCURS AS A RESULT OF THE LANDSCAPE INSTALLATION.
19. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING ALL PLANT MATERIAL PER DETAILS. ANY DEVIATIONS FROM THE DETAIL MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
20. SEE SHEET C007 FOR LANDSCAPE DETAILS.
21. UPON FINAL ACCEPTANCE OF THE LANDSCAPE INSTALLATION, THE OWNER WILL ASSUME MAINTENANCE OF THE LANDSCAPED AREAS.
22. EXISTING TREES TO REMAIN SHALL BE PROTECTED BY INSTALLING A TEMPORARY FENCE AT THE OUTER LIMITS OF THE TREE CANOPY.

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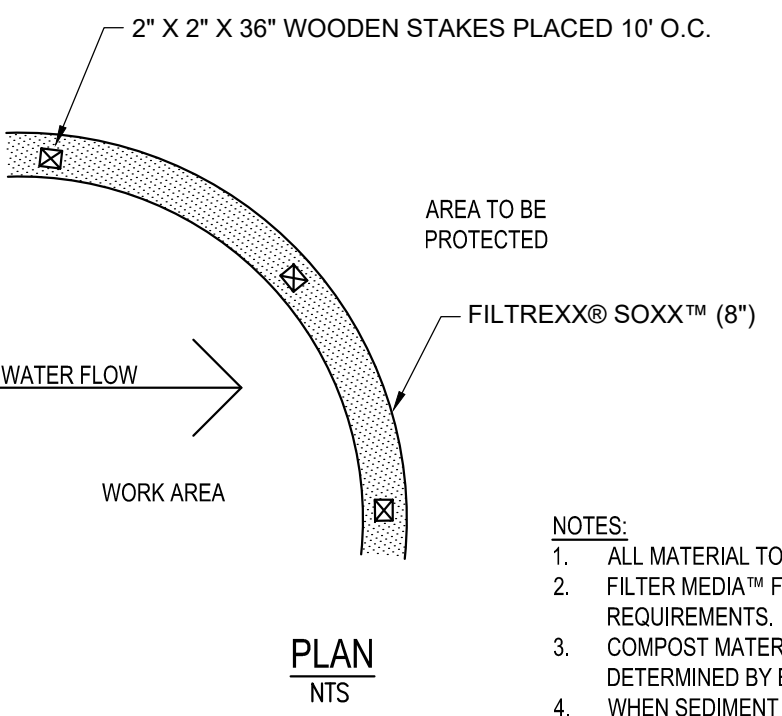
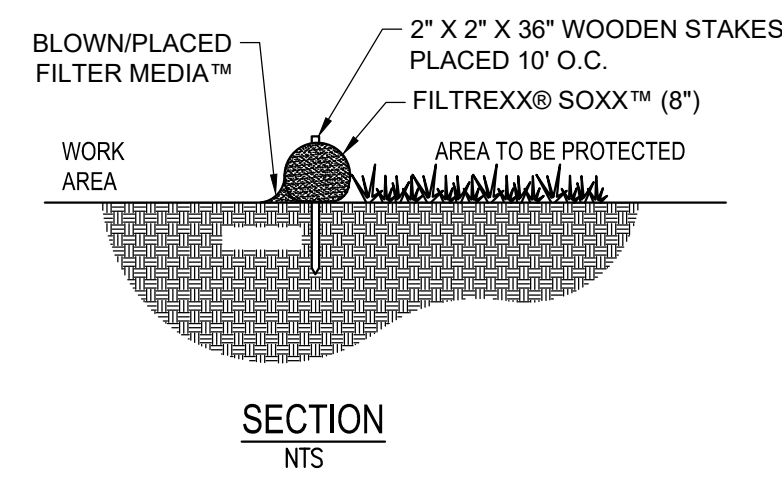
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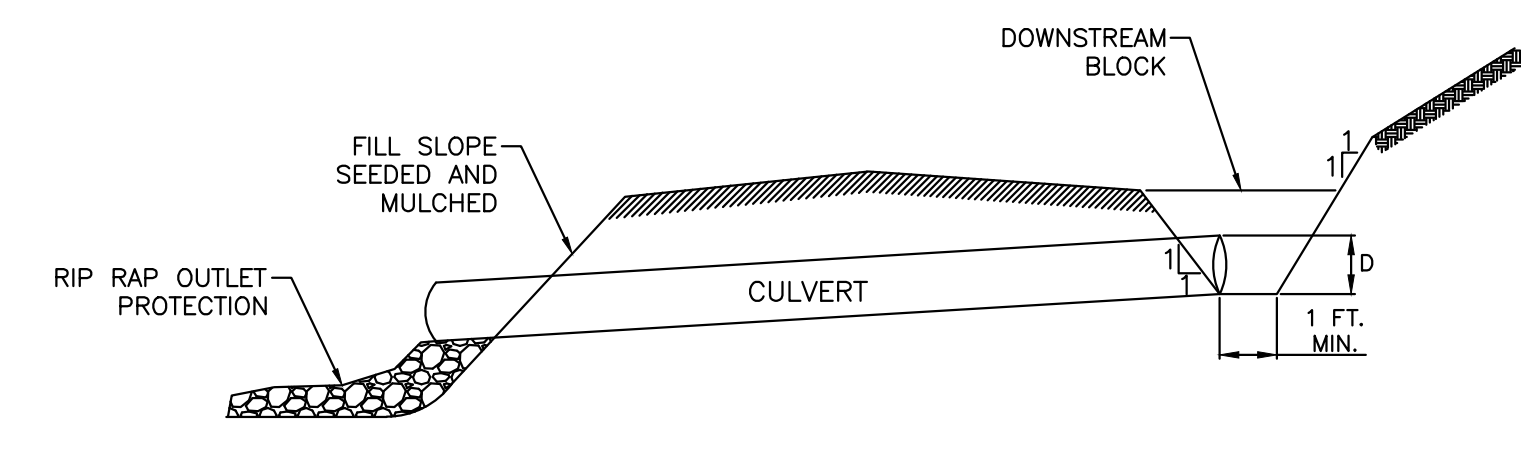
GENERAL NOTES

C008



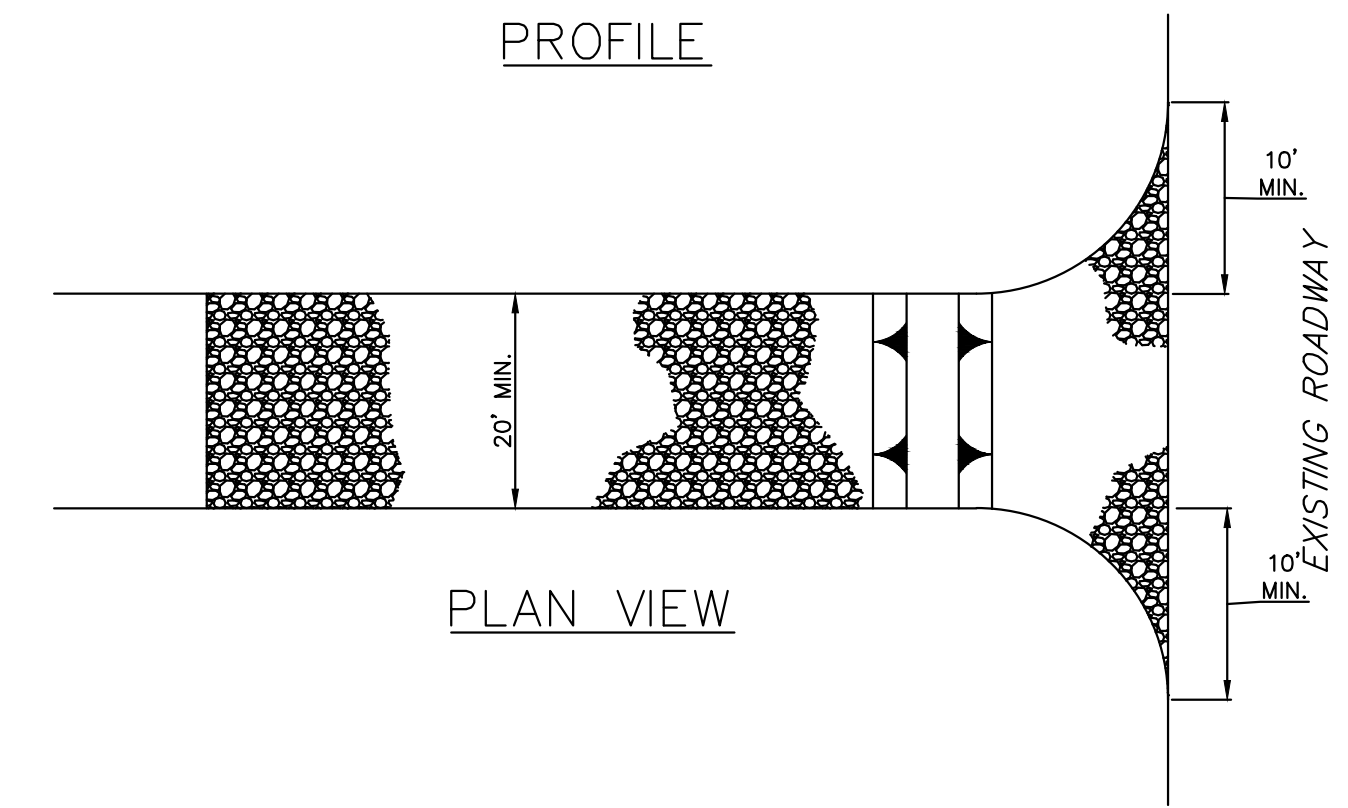
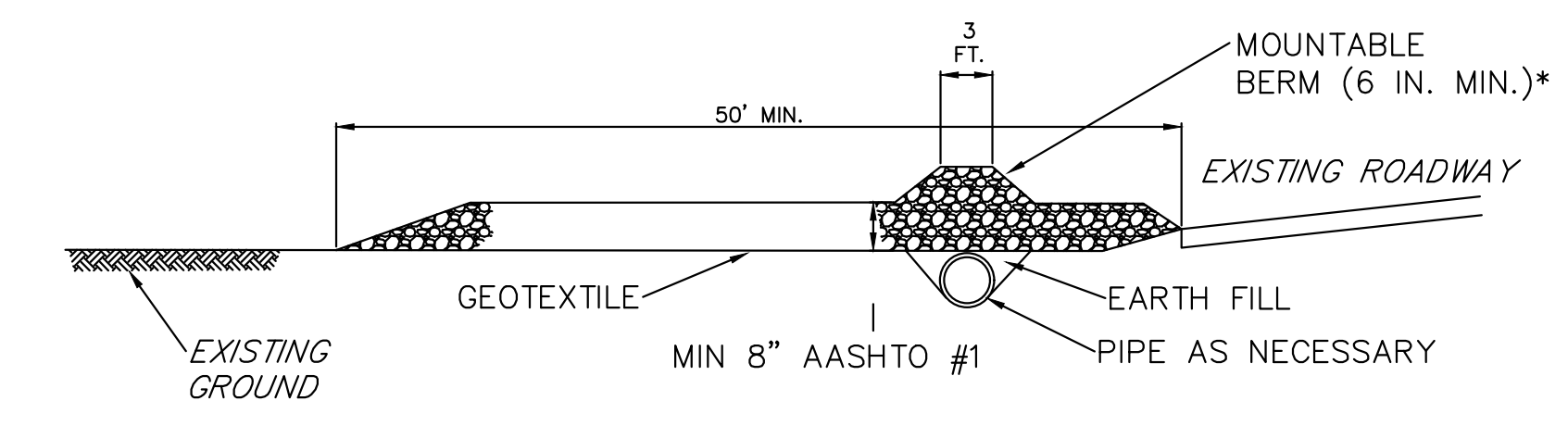
- NOTES:**
1. ALL MATERIAL TO MEET FILTREXX® SPECIFICATIONS.
 2. FILTER MEDIA™ FILL TO MEET APPLICATION REQUIREMENTS.
 3. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.
 4. WHEN SEDIMENT CONTROL IS USED ON PAVEMENT, HEAVY CONCRETE BLOCKS SHALL BE USED BEHIND THE SEDIMENT CONTROL TO HELP STABILIZE DURING RAINFALL/RUNOFF EVENTS

FILTREXX FILTERSOXX SEDIMENT CONTROL
NO SCALE



- NOTES:**
- CUT AND FILL SLOPES SHALL BE STABILIZED IMMEDIATELY UPON COMPLETION OF DRIVEWAY GRADING. THESE AREAS SHALL BE BLANKETED WHEREVER THEY ARE LOCATED WITHIN 50 FEET OF A SURFACE WATER OR WITHIN 100 FEET OF AN HIGH QUALITY OR EXCEPTIONAL VALUE SURFACE WATER OR WHERE A SUITABLE VEGETATIVE FILTER STRIP DOES NOT EXIST.
- A TOP DRESSING COMPOSED OF HARD, DURABLE STONE SHALL BE PROVIDED FOR SOILS HAVING LOW STRENGTH.
- DRIVEWAY DITCHES SHALL BE PROVIDED WITH ADEQUATE PROTECTIVE LINING WHEREVER RUNOFF CANNOT SHEET FLOW AWAY FROM THE DRIVEWAY.
- DRIVEWAY SHALL BE INSPECTED WEEKLY AND AFTER EACH RUNOFF EVENT. DAMAGED DRIVEWAYS, DITCHES, OR CROSS DRAINS SHALL BE REPAIRED IMMEDIATELY.

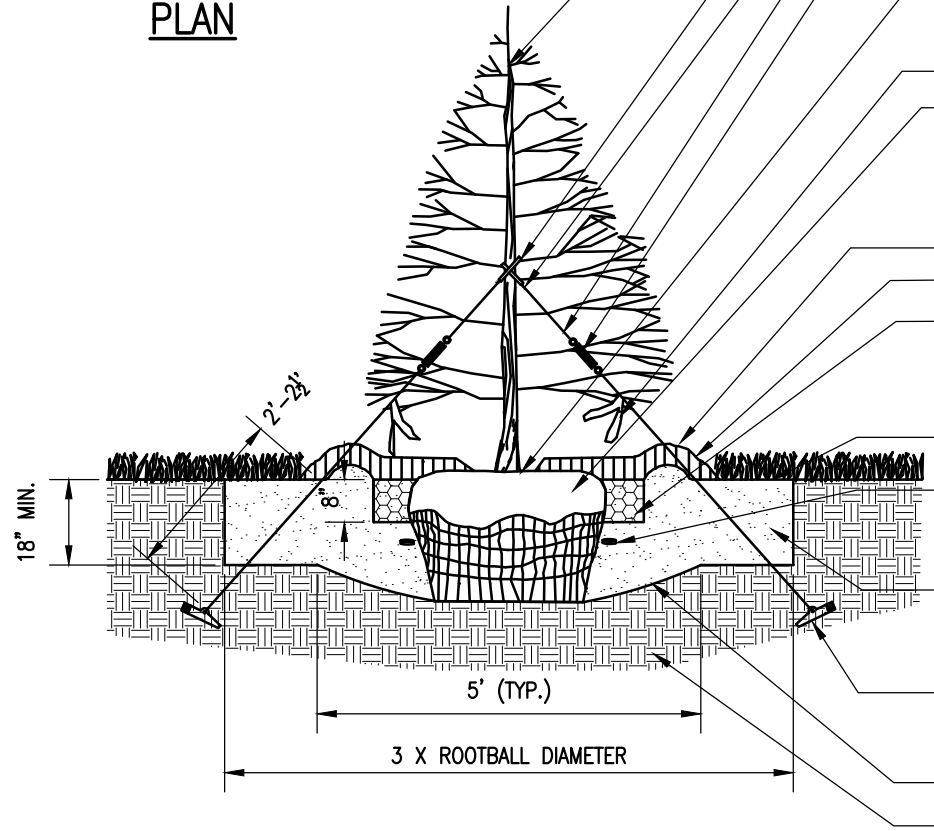
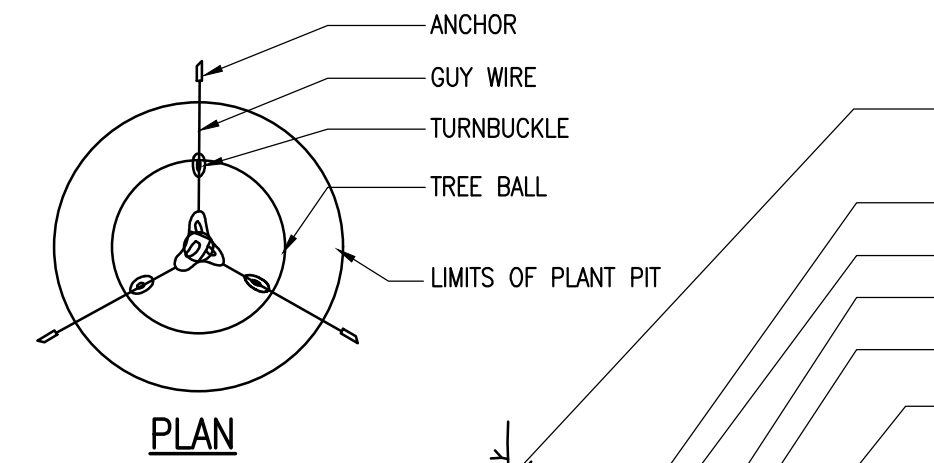
CROSS CULVERT
NO SCALE



* MOUNTABLE BERM USED TO PROVIDE PROPER COVER FOR PIPE

- NOTES:**
1. REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.
 2. RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK CONSTRUCTION ENTRANCE.
 3. MOUNTABLE BERM SHALL BE INSTALLED WHEREVER OPTIONAL CULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.
 4. MAINTENANCE: ROCK CONSTRUCTION ENTRANCE THICKNESS SHALL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. A STOCKPILE SHALL BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE REMOVED AND RETURNED TO THE CONSTRUCTION SITE IMMEDIATELY. IF EXCESSIVE AMOUNTS OF SEDIMENT ARE BEING DEPOSITED ON ROADWAY, EXTEND LENGTH OF ROCK CONSTRUCTION ENTRANCE BY 50 FOOT INCREMENTS UNTIL CONDITION IS ALLEVIATED OR INSTALL WASH RACK. WASHING THE ROADWAY OR SWEEPING THE DEPOSITS INTO ROADWAY DITCHES, SEWERS, CULVERTS, OR OTHER DRAINAGE COURSES IS NOT ACCEPTABLE.

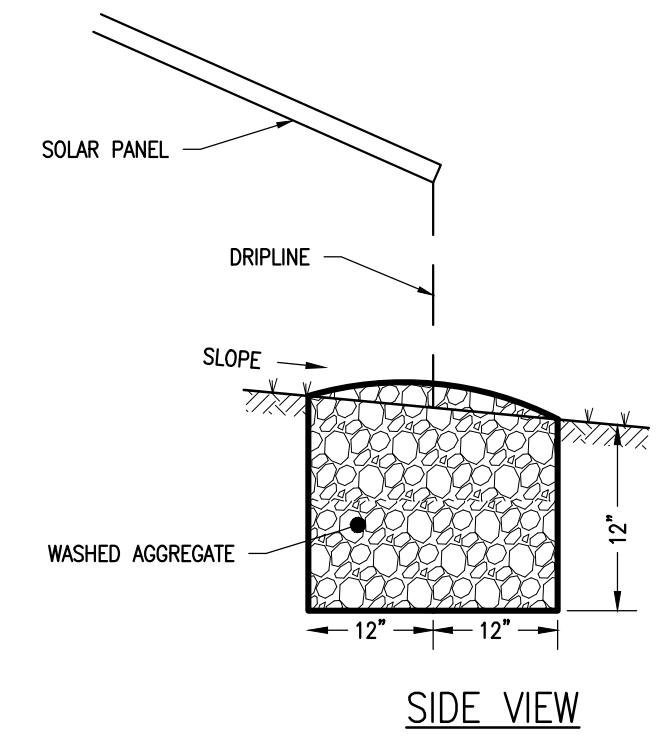
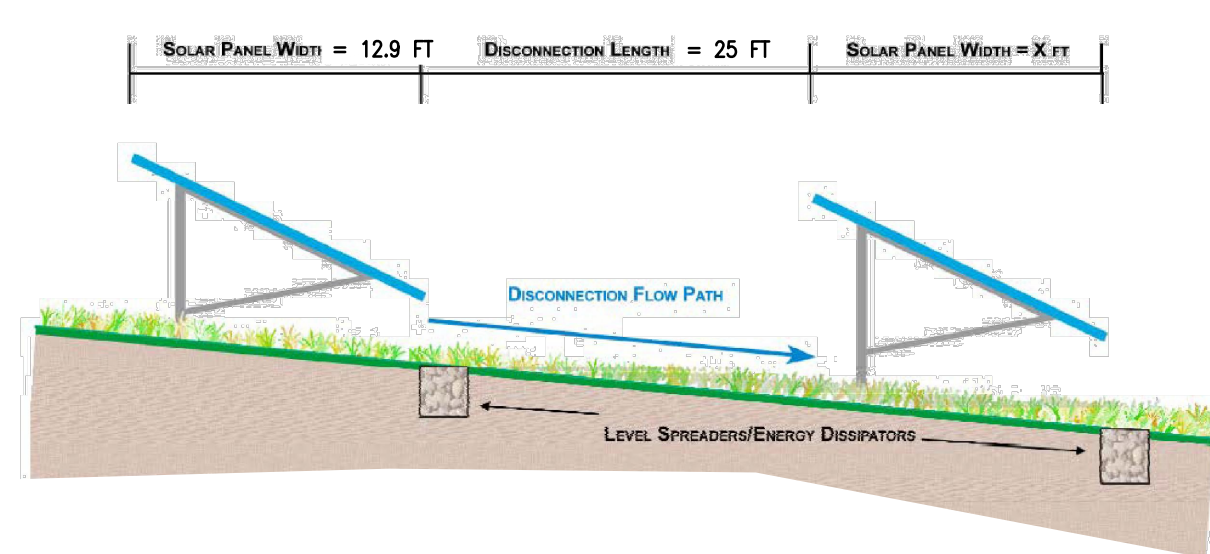
STABILIZED CONSTRUCTION ENTRANCE
NO SCALE



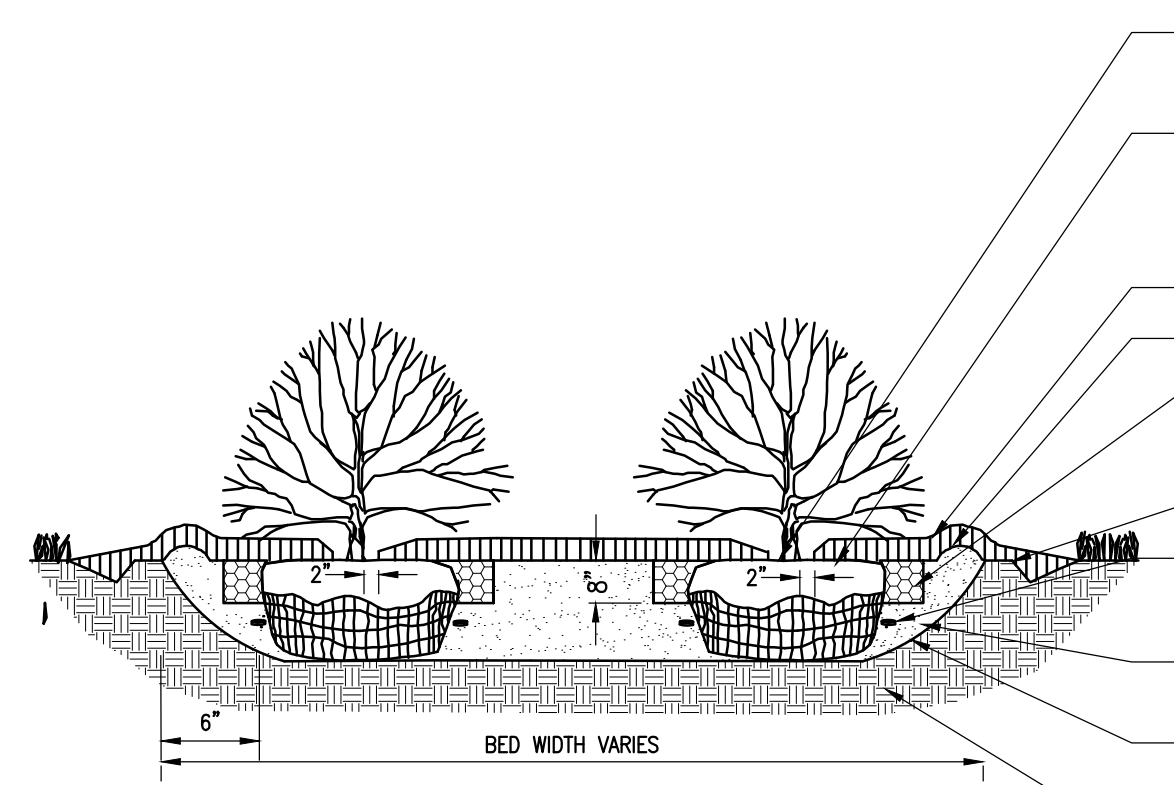
- PRUNE ONLY DAMAGED AND CONFLICTING BRANCHES TO MAINTAIN NORMAL TREE SHAPE. NEVER CUT CENTRAL TRUNK OR LEADER.
- 21\"/>
- (2) 1/8\"/>
- 1/8\"/>
- 3/8\"/>
- BOTTOM OF TRUNK FLARE SHALL BE SET ABOVE FINISHED GRADE, SEE NOTE 2 BELOW FOR DETAILS
- YELLOW MARKING RIBBON
- REMOVE BURLAP, ROPE, OR WIRE BASKET FROM TOP 1/3 OF BALL. CUT REMAINING PORTIONS OF ROPE OR WIRE BASKET AS MUCH AS POSSIBLE. COMPLETELY REMOVE ALL SYNTHETIC MATERIAL FROM ROOTBALL.
- 3\"/>
- 3\"/>
- MYCOR TREE SAVER – REFER TO MANUFACTURER'S SPECIFICATIONS FOR APPLICATION RATE—MIXED INTO BACKFILL TO 8\"/>
- FINISHED GRADE
- AGRIFORM 20–10–5 TABLET – REFER TO MANUFACTURER'S APPLICATION RATE FOR NUMBER OF TABLETS
- BACKFILL WITH APPROVED PLANTING MIXTURE, SEE SPECIFICATIONS OR LANDSCAPE NOTES
- DUCKBILL EARTH ANCHOR – TO BE SIZED AND INSTALLED PER MANUFACTURER'S INSTRUCTIONS
- SCARIFY BOTTOM OF PIT
- UNDISTURBED SUBSOIL

- NOTES:**
1. MAINTAIN A 2\"/>
 - 2. THE DISTANCE BETWEEN THE BOTTOM OF THE TRUNK FLARE AND THE FINISHED GRADE SHALL BE AS FOLLOWS:
FOR SANDY OR LOAMY SOILS: 1\"/>
 - 3. WHEN TAGGING TREES AT THE NURSERY, MARK THE NORTH SIDE OF THE TREE IN THE FIELD AND WHEN INSTALLING, ROTATE TREE TO FACE NORTH WHENEVER POSSIBLE.

EVERGREEN TREE PLANTING
NO SCALE

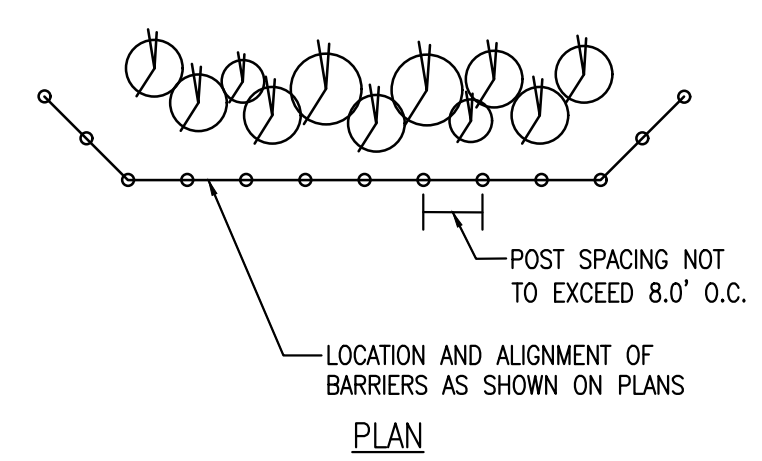
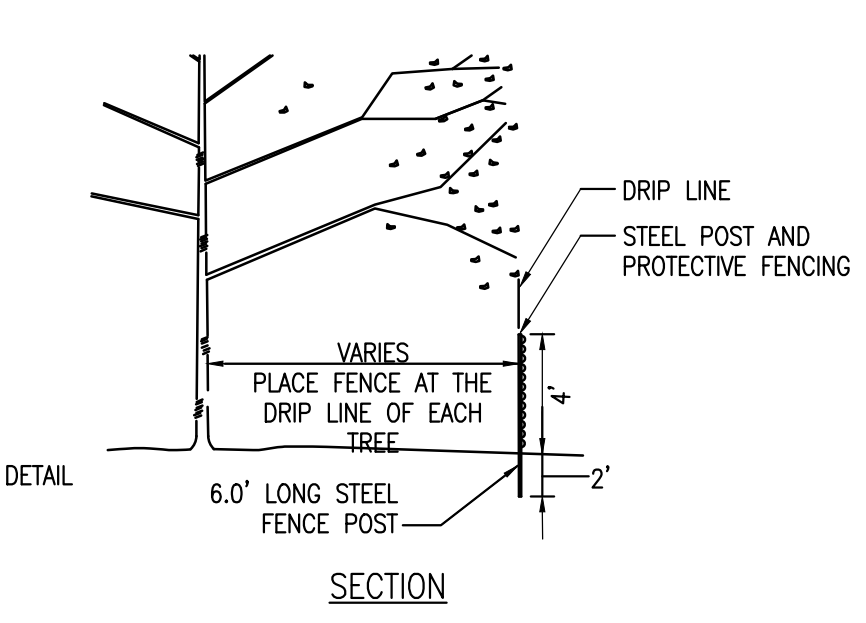


SOLAR PANEL INSTALLATION WITH LEVEL SPREADERS
N.T.S.

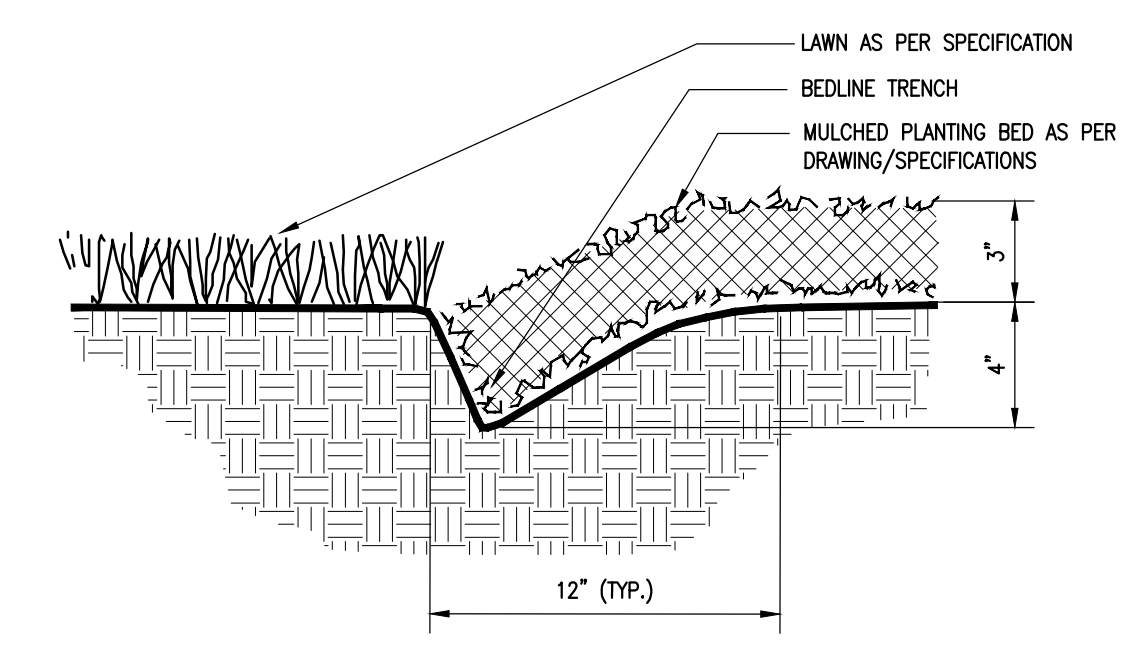


- NOTES:**
1. MAINTAIN A 2\"/>
 - 2. PLANTING BED DEPTH IN LAWN AREAS SHALL BE A MINIMUM OF 18\"/>
 - 3. ALL PLANTING BEDS SHALL BE FREE OF CONSTRUCTION DEBRIS.

SHRUB PLANTING
NO SCALE



VEGETATION PROTECTION BARRIER
NO SCALE



PLANTING BED EDGE TREATMENT
NO SCALE

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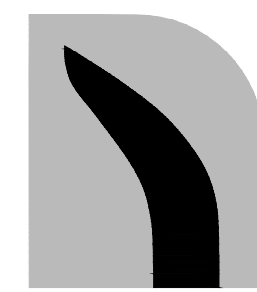
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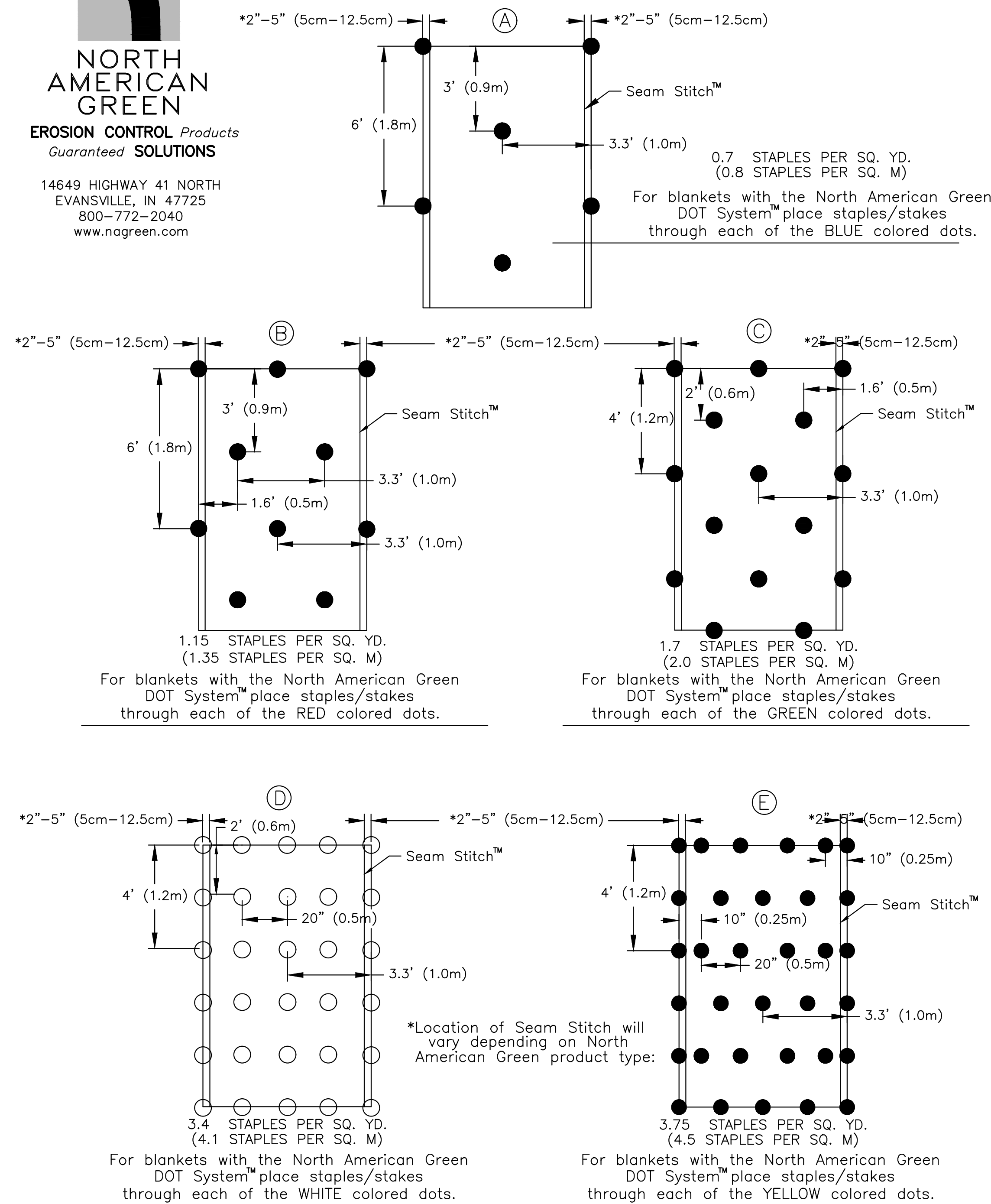
EROSION AND SEDIMENT CONTROL DETAILS

C009

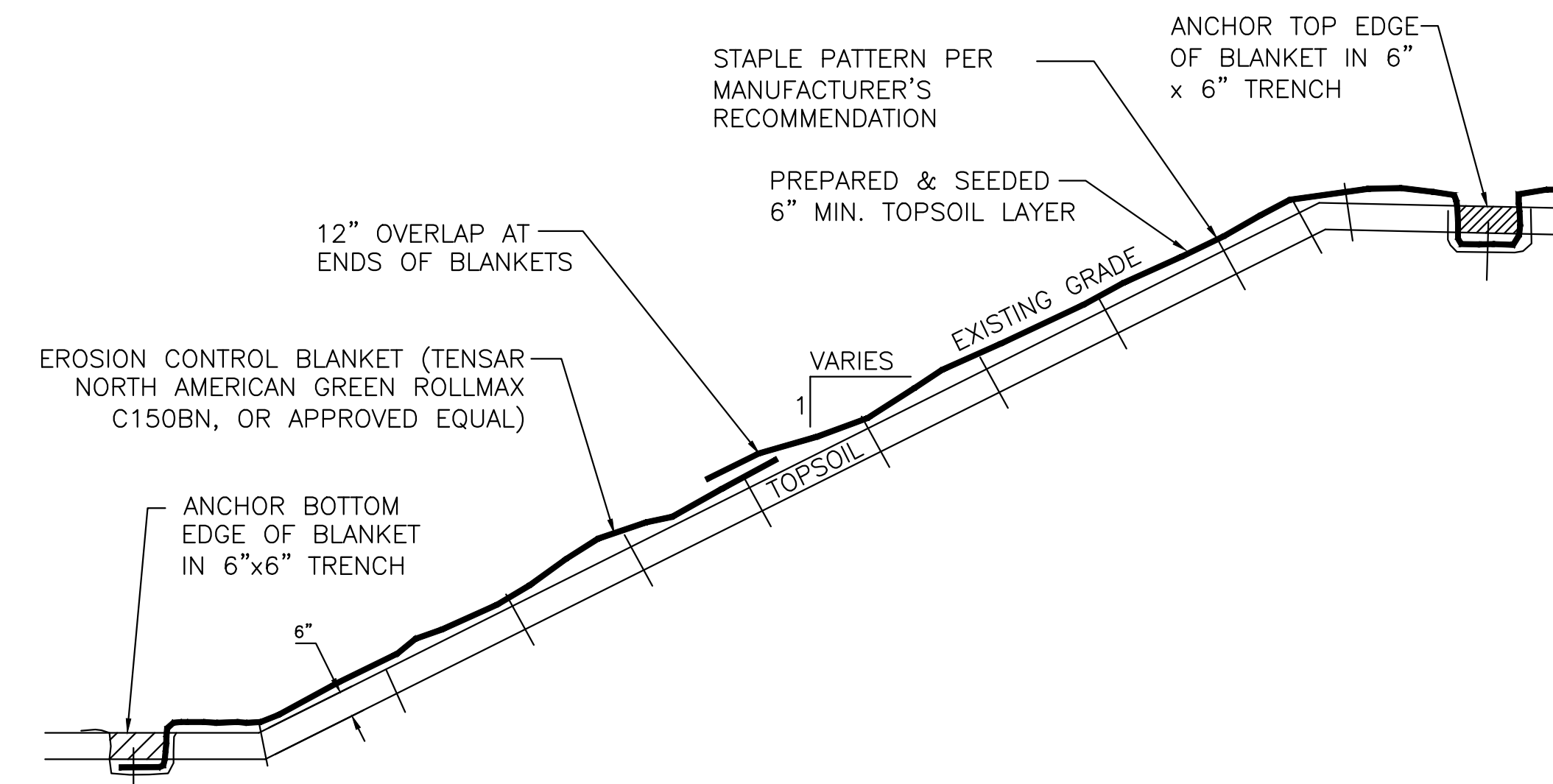
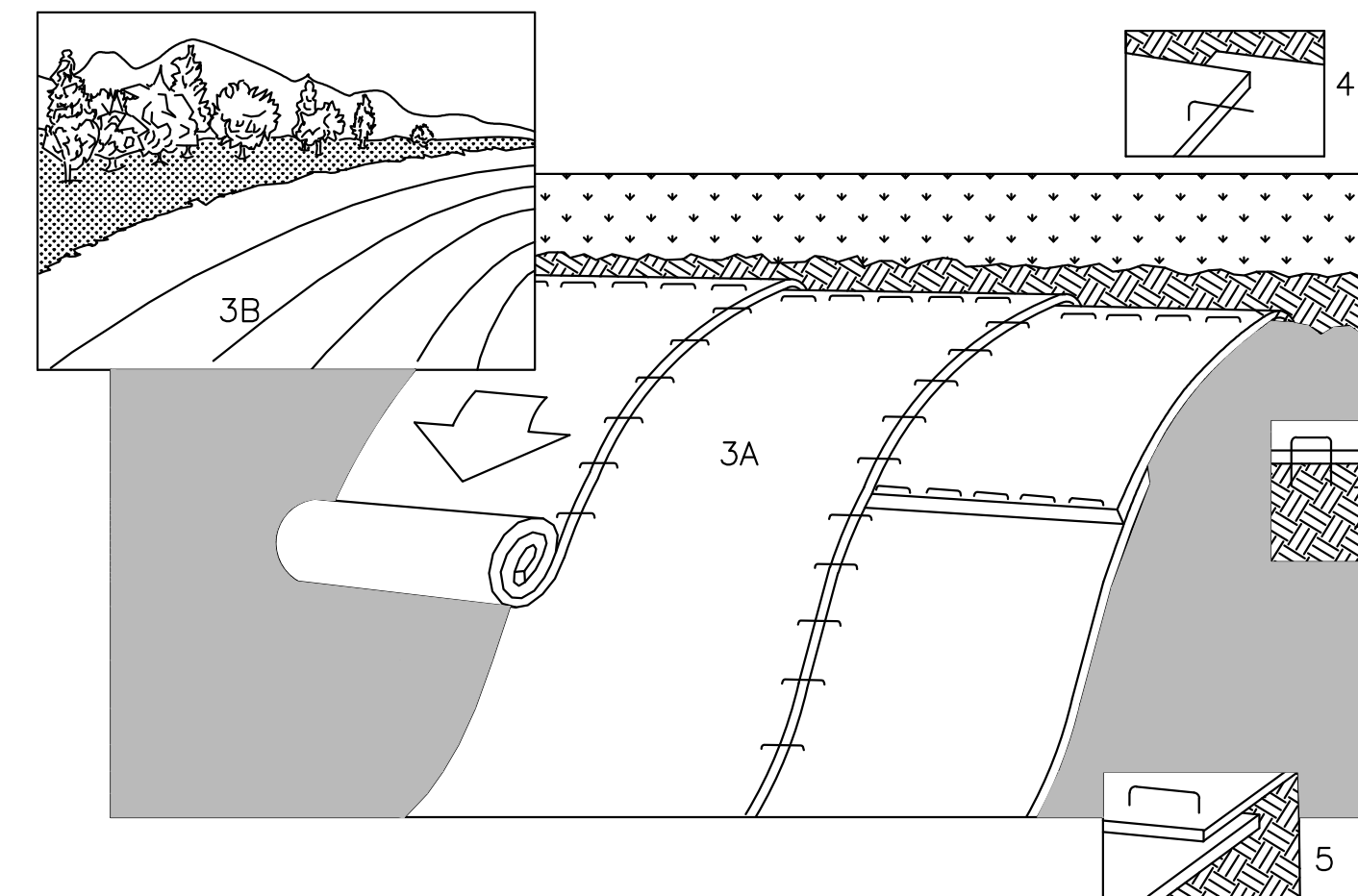


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DOT SYSTEM™ STAPLE PATTERN GUIDE



**EROSION CONTROL BLANKET
 STAPLE PATTERN**
 NO SCALE



NOTES:

1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF LIME, FERTILIZER, AND SEED.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
3. ROLL THE BLANKETS (A.) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE.
4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2" OVERLAP.
5. WHEN BLANKETS MUST BE SPLICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 12" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART.
6. EROSION CONTROL BLANKETS SHALL BE INSTALLED ON ALL 3:1 OR STEEPER SLOPES WITH A MINIMUM OF 6 INCHES OF TOPSOIL.
7. REFER TO STAPLE PATTERN DETAIL FOR ADDITIONAL STAPLE INFORMATION.
8. THE USE OF FLEXIBLE GROWTH MEDIUM, BONDED FIBER MATRIX, OR POLYMER STABILIZED FIBER MATRIX, APPLIED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS, IS AN ACCEPTABLE ALTERNATIVE TO THE USE OF EROSION CONTROL BLANKET.

EROSION CONTROL BLANKET
 NO SCALE

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C010

SEED SCHEDULE 'A'

Upland Seed Mix		
Low-Growing Wildflower & Grass Mix - ERNMX #156		
Seeding Rate: 20 lb per acre with a cover crop of grain rye at 30 lb per acre		
SCIENTIFIC NAME	COMMON NAME	% OF MIX
Festuca ovina	Sheep Fescue, Variety Not Stated	63.60%
Lolium multiflorum (L. perenne var. italicum)	Annual Ryegrass	17%
Linum perenne ssp. lewisii	Perennial Blue Flax	8%
Rudbeckia hirta	Blackeyed Susan, Coastal Plain NC Ecotype	2%
Coreopsis lanceolata	Lanceleaf Coreopsis, Coastal Plain NC Ecotype	2%
Chrysanthemum leucanthemum	Oxeye Daisy	2%
Chrysanthemum maximum	Shasta Daisy	1%
Chamaecrista fasciculata (Cassia f.)	Partridge Pea, PA Ecotype	1%
Papaver rhoeas, Shirley Mix	Corn Poppy/Shirley Mix	1%
Achillea millefolium	Common Yarrow	0.5%
Aster oblongifolius (Symphyotrichum oblongifolium)	Aromatic Aster, PA Ecotype	0.5%
Eupatorium coelestinum (Conoclinium c.)	Mistflower, VA Ecotype	0.5%
Monarda punctata, Coastal Plain SC Ecotype	Spotted Beebalm, Coastal Plain SC Ecotype	0.5%
Asclepias tuberosa	Butterfly Milkweed	0.3%
Pycnanthemum tenuifolium	Slender Mountainmint	0.1%
Company Information		
Ernst Conservation Seeds, Inc.		
Address: 8884 Mercer Pike, Meadville, PA 16335		
Phone: (800) 873-3321		
Web: http://www.ernstseed.com		

* CURRENT ERNST SEED MIX COMPOSITION OR APPROVED EQUIVALENT
 * PROVIDE TEMPORARY SEEDING OF ANNUAL RYEGRASS (LOLIUM MULTIFLORUM) WITHIN SEEDING LIMITS AT RATE OF 20 LBS. PER ACRE

SEED SCHEDULE 'B'

OBL-FACW Wetland Mix		
ERNMX #120		
Seeding Rate: 20 lb per acre or 1/2 lb per 1000 sq ft		
SCIENTIFIC NAME	COMMON NAME	% OF MIX
Elymus virginicus	Virginia Wildrye	20%
Poa palustris	Fowl Bluegrass	20%
Carex lurida	Lurid Shallow Sedge	17%
Carex lupulina	Hop Sedge	9%
Carex scoparia	Blunt Broom Sedge	8%
Carex vulpinoidea	Fox Sedge	5%
Panicum clandestinum Dichanthelium c.	Deertongue 'Tioga'	5%
Sparganium eurycarpum	Giant Bur Reed	4%
Sparganium americanum	Eastern Bur Reed	3%
Juncus effusus	Soft Rush	3%
Carex crinita	Fringed Nodding Sedge	2%
Leersia oryzoides	Rice Cutgrass	2%
Scirpus cyperinus	Woolgrass	2%
Juncus tenuis	Path Rush	0.5%
Company Information		
Ernst Conservation Seeds Inc.		
Address: 8884 Mercer Pike Meadville PA 16335		
Phone: 800 873-3321		
Web: http://www.ernstseed.com		

* CURRENT ERNST SEED MIX COMPOSITION OR APPROVED EQUIVALENT
 * PROVIDE TEMPORARY SEEDING OF ANNUAL RYEGRASS (LOLIUM MULTIFLORUM) WITHIN SEEDING LIMITS AT RATE OF 20 LBS. PER ACRE

SITE STABILIZATION – SEED MIX

SOIL AMENDMENT APPLICATION RATE EQUIVALENTS					
SOIL AMENDMENT	PER ACRE	PER 1,000 SQ. FT.	PER 1,000 SQ. YD.	NOTES	
TEMPORARY PERMANENT SEEDING	AGRICULTURAL LIME	6 TONS	240 LB.	2,480 LB.	OR AS PER SOIL TEST: MAY NOT BE REQUIRED IN AGRICULTURAL FIELDS
	10-10-20 FERTILIZER	1,000 L.B.	25 LB.	210 LB.	
TEMPORARY SEEDING	AGRICULTURAL LIME	1 TON	40 LB.	410 LB.	TYPICALLY NOT REQUIRED FOR TOPSOIL STOCKPILES
	10-10-20 FERTILIZER	500 LB.	12.5 LB.	100 LB.	
COMPOST STANDARDS					
ORGANIC MATTER CONTENT		80% - 100% (DRY WEIGHT BASIS)			
ORGANIC PORTION		FIBROUS AND ELONGATED			
pH		5.5 - 8.0			
MOISTURE CONTENT		35% - 55%			
PARTICLE SIZE		98% PASS THROUGH 1" SCREEN			
SOLUBLE SALT CONCENTRATION		5.0 dS/m (mmhos/cm) MAXIMUM			
MULCH APPLICATION RATES					
MULCH TYPE	APPLICATION RATE (MIN.)			NOTES	
	PER ACRE	PER 1,000 SQ. FT.	PER 1,000 SQ. YD.		
STRAW	3 TONS	140 LB.	1,240 LB.	EITHER WHEAT OR OAT STRAW, FREE OF WEEDS, NOT CHOPPED OR FINELY BROKEN	
HAY	3 TONS	140 LB.	1,240 LB.	TIMOTHY, MIXED CLOVER AND TIMOTHY, OR OTHER NATIVE FORAGE GRASSES	
WOOD CELLULOSE	1,500 LB.	35 LB.	310 LB.	DO NOT USE ALONE IN WINTER, DURING HOT AND DRY WEATHER OR ON STEEP SLOPES (> 3:1)	
WOOD	1,000 LB. CELLULOSE	25 LB.	210 LB.	WHEN USED OVER STRAW OR HAY	
WOOD CHIPS	4 - 6 TONS	185 - 275 LB.	1,650 - 2,500 LB.	MAY PREVENT GERMINATION OF GRASSES AND LEGUMES	

NOTES:

- WHEN FINAL GRADE IS ACHIEVED DURING NON-GERMINATING MONTHS, THE AREA SHOULD BE TEMPORARILY STABILIZED UNTIL THE BEGINNING OF THE NEXT PLANTING SEASON.
- MULCHES SHOULD BE APPLIED AT THE RATES SHOWN IN THE MULCH APPLICATION RATES TABLE. VERY LITTLE BARE GROUND SHOULD BE VISIBLE THROUGH THE MULCH.
- STRAW AND HAY MULCH SHOULD BE ANCHORED OR TACKIFIED IMMEDIATELY AFTER APPLICATION TO PREVENT BEING WINDBLOWN.
- TOPSOIL SHOULD BE UNIFORMLY DISTRIBUTED ACROSS THE DISTURBED AREA TO A DEPTH OF 4 INCHES MINIMUM. SPREADING SHOULD BE DONE IN SUCH A MANNER THAT SEEDING CAN PROCEED WITH A MINIMUM OF ADDITIONAL PREPARATION OR TILLAGE.
- TOPSOIL SHOULD NOT BE PLACED WHILE THE TOPSOIL OF SUBSOIL IS IN A FROZEN OR MUDDY CONDITION, WHEN THE SUBSOIL IS EXCESSIVELY WET, OR IN A CONDITION THAT MAY OTHERWISE BE DETRIMENTAL TO PROPER GRADING AND SEEDBED PREPARATION.
- WHEN USED AS A MULCH REPLACEMENT, THE APPLICATION RATE (THICKNESS) OF THE COMPOST SHOULD BE 1/2" TO 3/4". COMPOST SHOULD BE PLACED EVENLY AND SHOULD PROVIDE 100% SOIL COVERAGE. NO SOIL SHOULD BE VISIBLE.
- BLANKETING SHALL BE USED ON ALL SLOPES 3H:1V OR STEEPER OR AS NOTED ON THE PLANS.
- PERMANENT STABILIZATION SHALL BE INSTALLED IMMEDIATELY UPON COMPLETION OF EARTH DISTURBANCE.
- WETLAND SEED MIX SHOULD BE INSTALLED ONLY IN DRY SWALE.

YORKTOWN A SOLAR FARM

FOOTHILL STREET

TOWN OF YORKTOWN
WESTCHESTER COUNTY
NEW YORK

CON EDISON CLEAN ENERGY BUSINESSES, INC.

100 SUMMIT LAKE DRIVE
VALHALLA, NY 10595



Bergmann Associates, Architects, Engineers,
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2 Winners Circle, Suite 102
Albany, NY 12205

office: 518.862.0325

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2	11/22/2021	PLAN REVISIONS	WD	ECR

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ECR	ECR
Designed By:	Drawn By:
WD	WD
Date Issued:	Scale:
OCTOBER 27, 2020	AS NOTED
Project Number:	
14847.00	

SITE DETAILS

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C011

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B BERGMANN
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14847.00

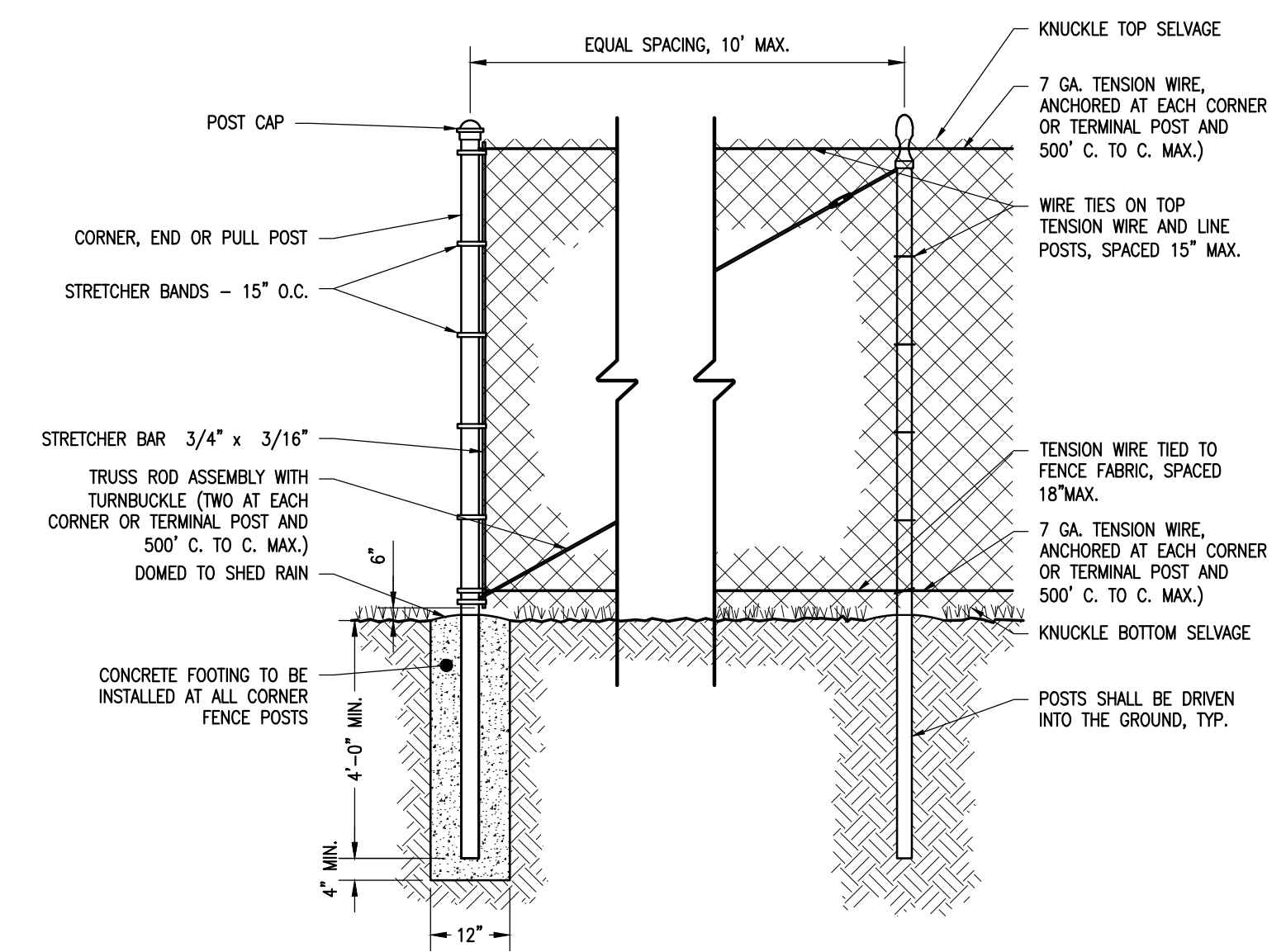
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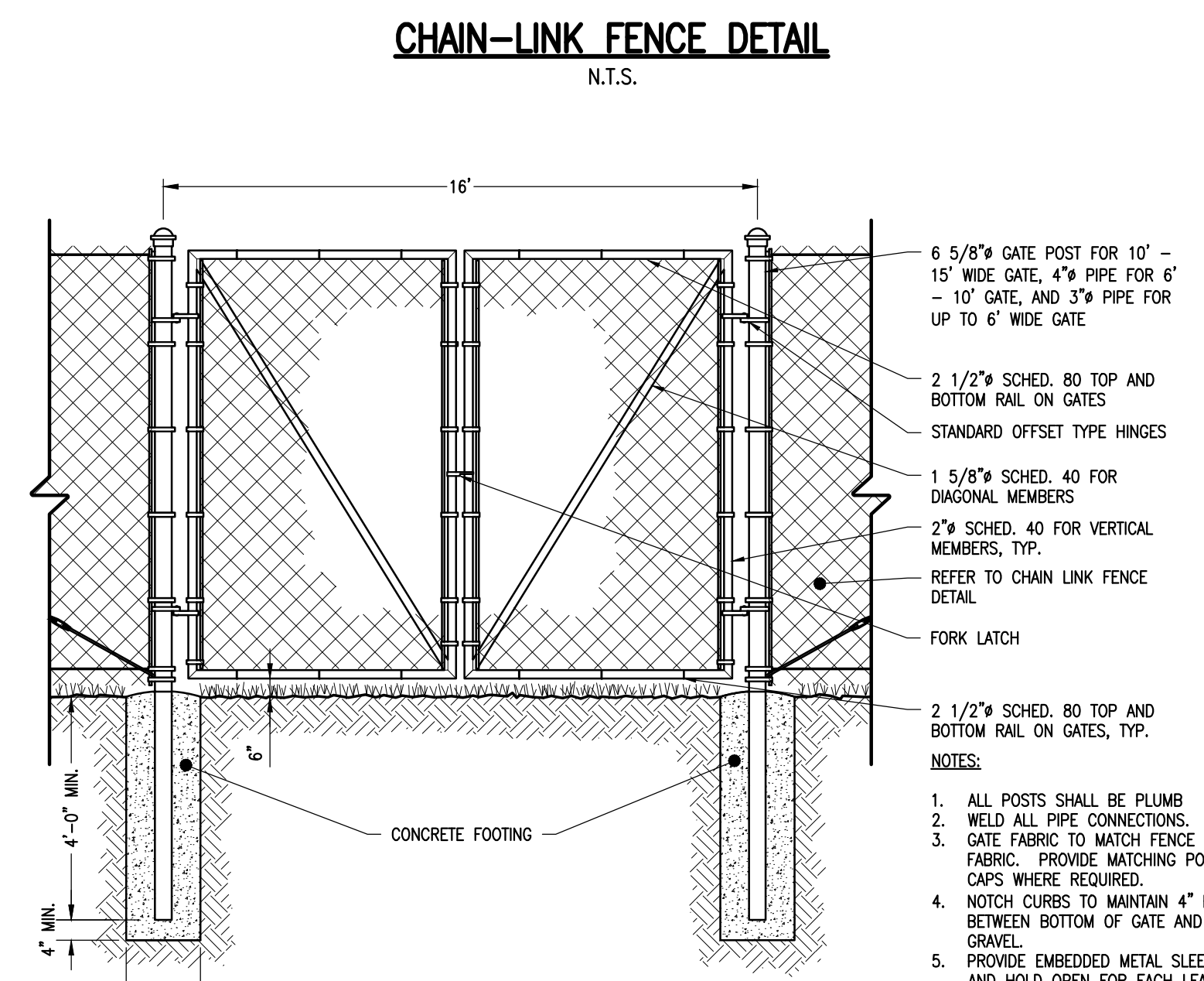
Drawing Number:

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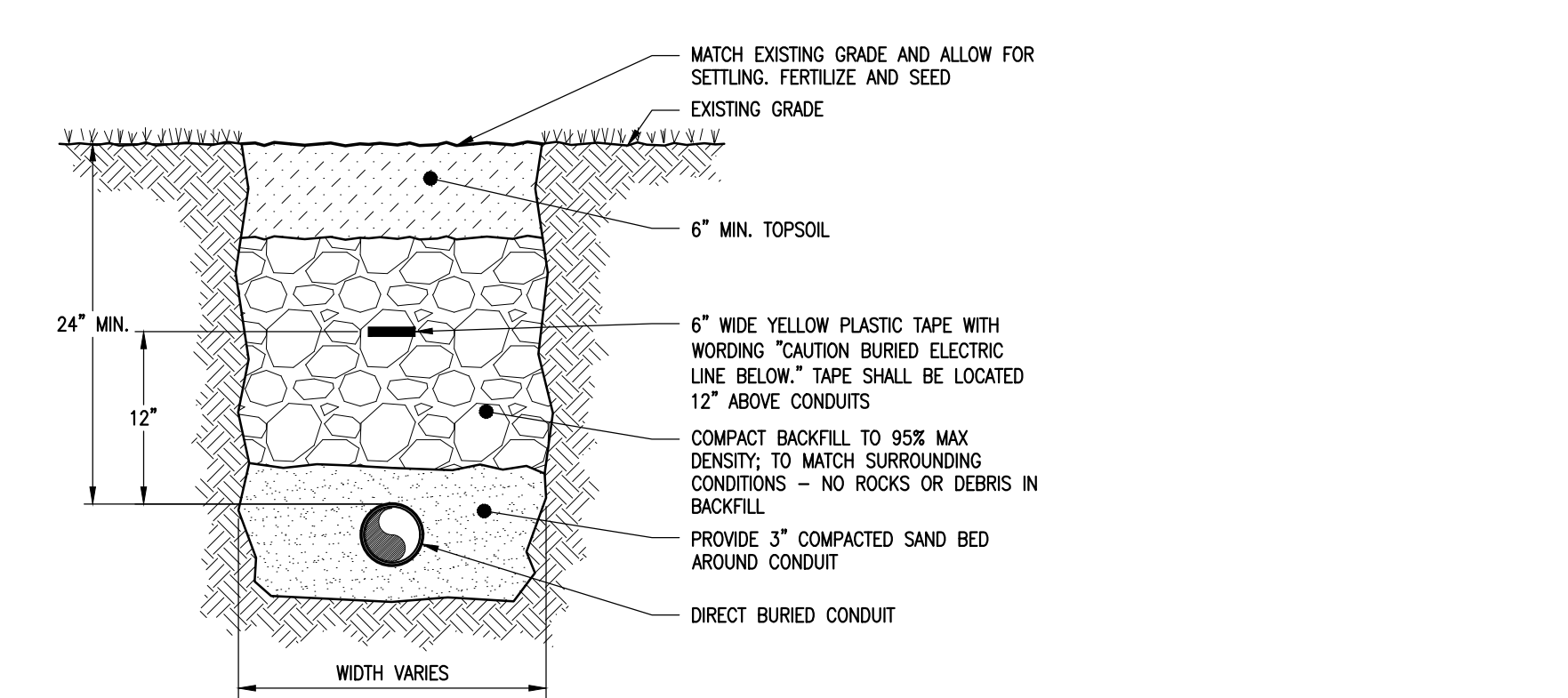


- NOTES:
- ALL POSTS SHALL BE PLUMB
 - WIRE TIES SHALL BE PLACED 15" ON CENTER ALONG TOP RAIL AND LINE POSTS.

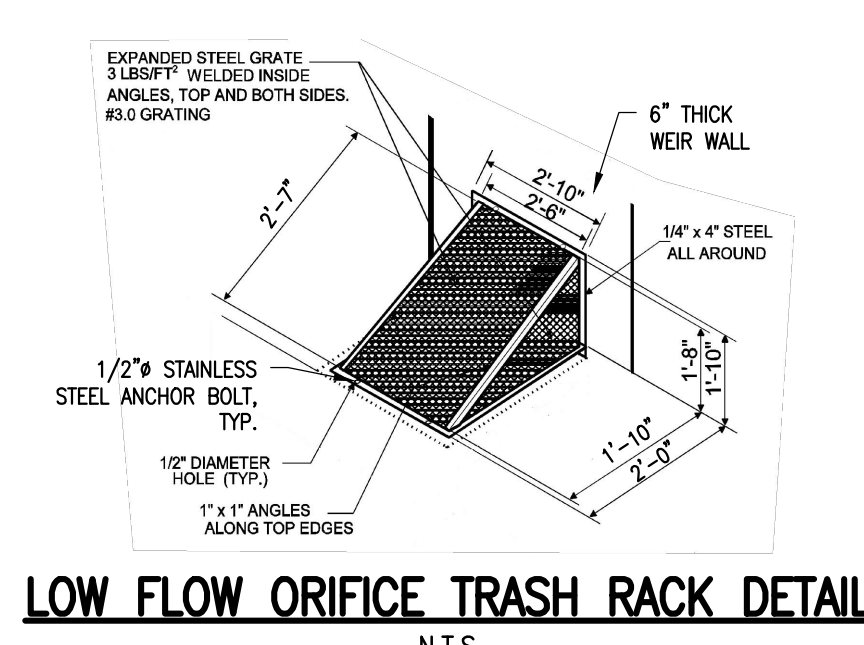
USE	NOM. OD.
LINE POSTS	2 1/2"
CORNER, END, GATE, & PULL POSTS	3"
RAILS	1 5/8"
GATE FRAMES	2"



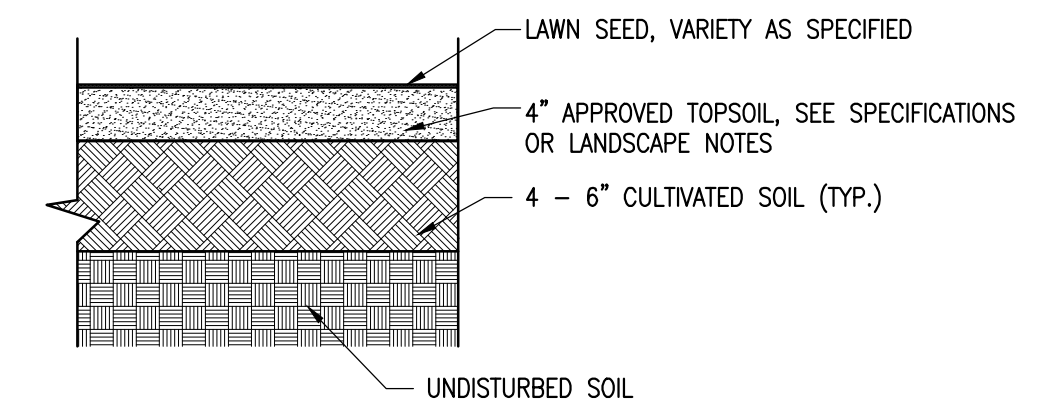
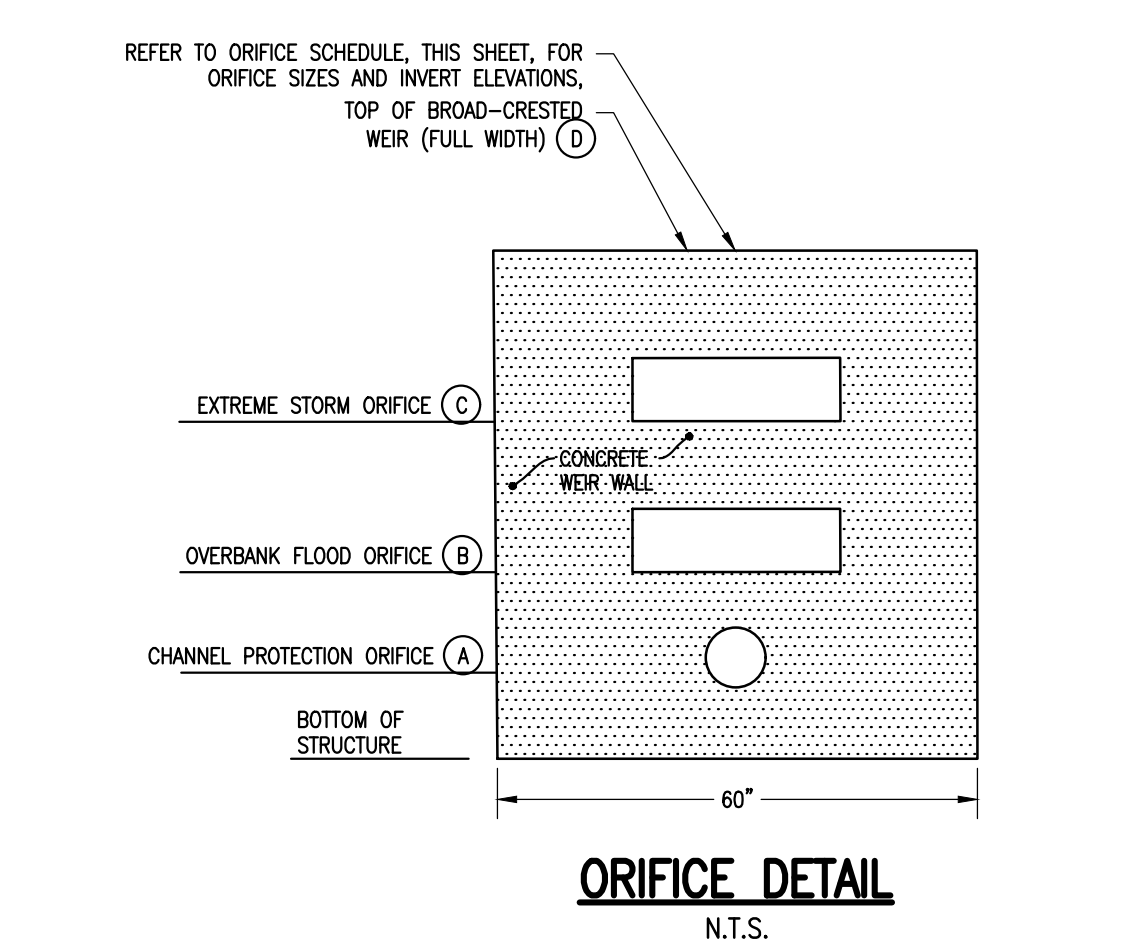
- NOTES:
- ALL POSTS SHALL BE PLUMB
 - WELD ALL PIPE CONNECTIONS.
 - GATE FABRIC TO MATCH FENCE FABRIC. PROVIDE MATCHING POST CAPS WHERE REQUIRED.
 - NOTCH CURBS TO MAINTAIN 4" HEIGHT BETWEEN BOTTOM OF GATE AND GRAVEL.
 - PROVIDE EMBEDDED METAL SLEEVE AND HOLD OPEN FOR EACH LEAF OF GATE.
 - CONTRACTOR SHALL INSTALL A KNOX BOX NEXT TO GATE FOR FIRE DEPARTMENT ACCESS.
 - POSTS SHALL BE DRIVEN INTO THE GROUND.
 - PROVIDE 6" WILDLIFE GAP BELOW FENCE



- NOTES:
- REPAIR ALL SETTLEMENT
 - MINIMUM TOP SOIL DEPTH 6"
 - MULTIPLE CONDUITS SHALL BE SPACED 7" ON CENTER

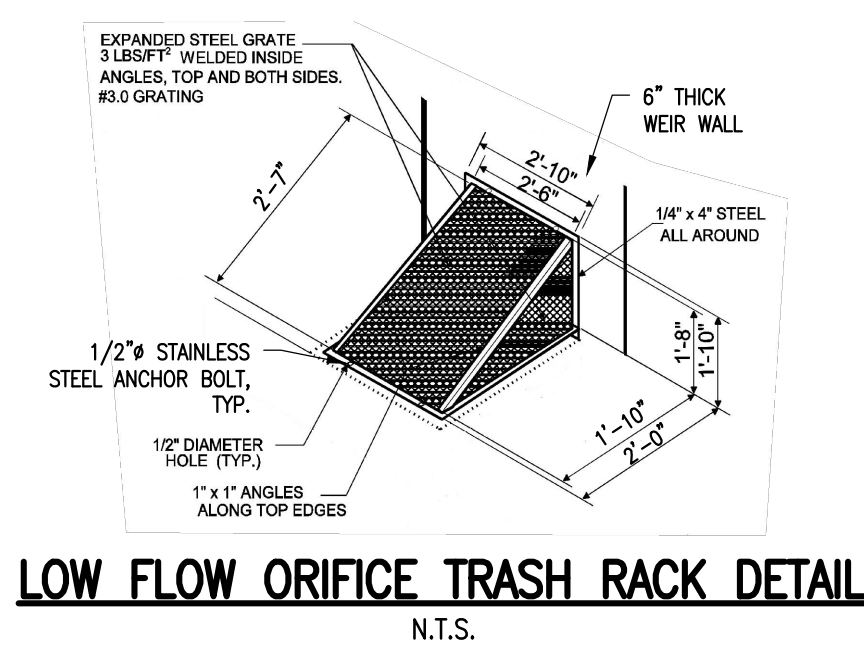


CONTROL STRUCTURE	(A) SIZE	(A) ELEV	(B) SIZE	(B) ELEV	(C) SIZE	(C) ELEV	(D) ELEV
1	3"	281.32	30"x8"	281.75	30"x6"	283.10	284.00

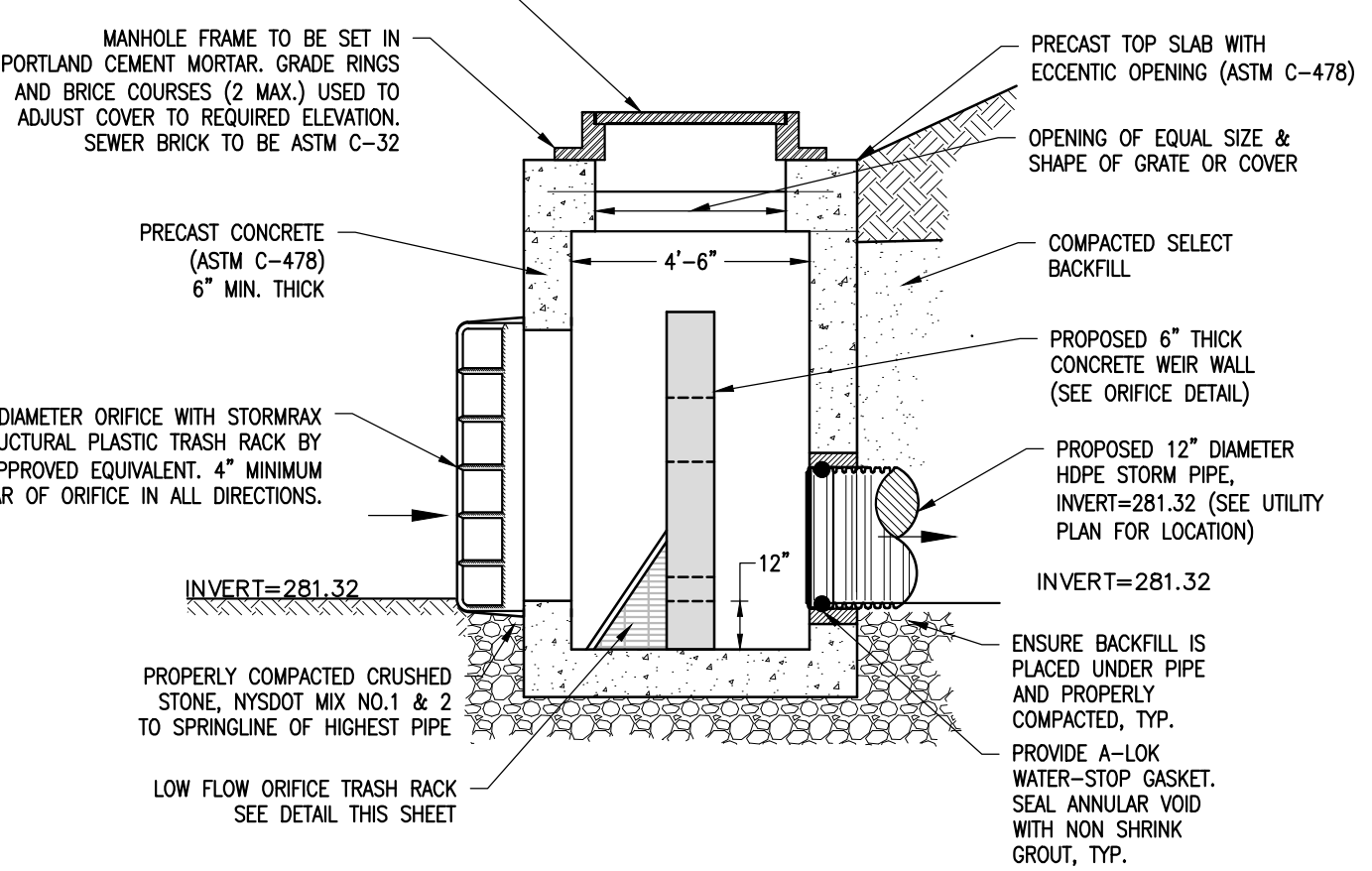
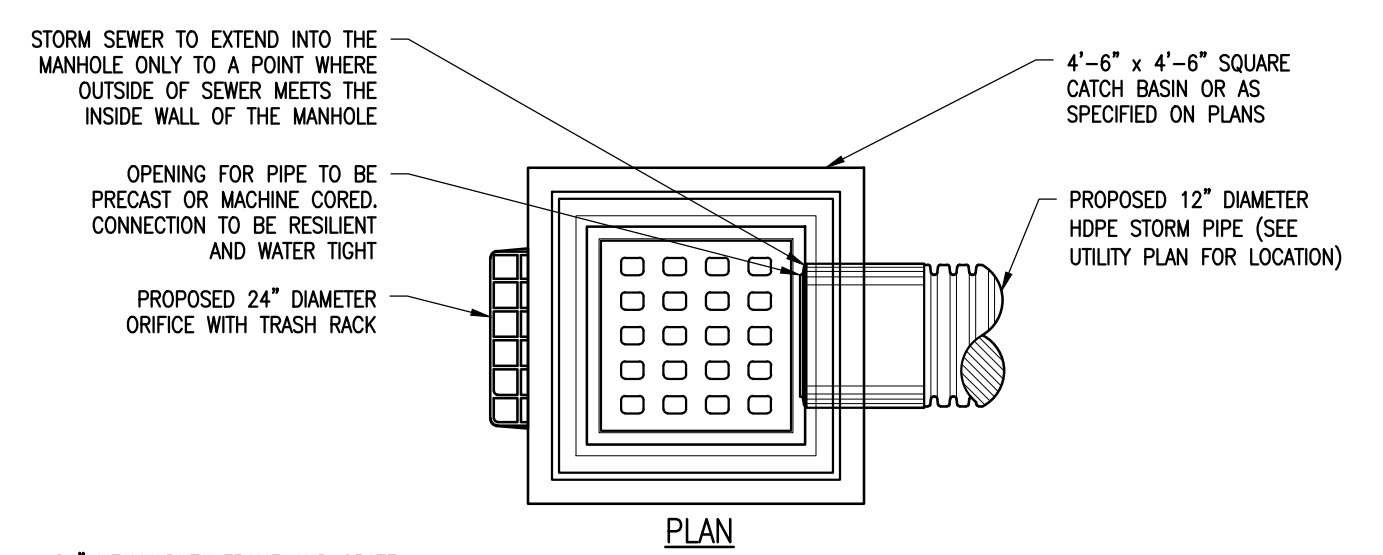
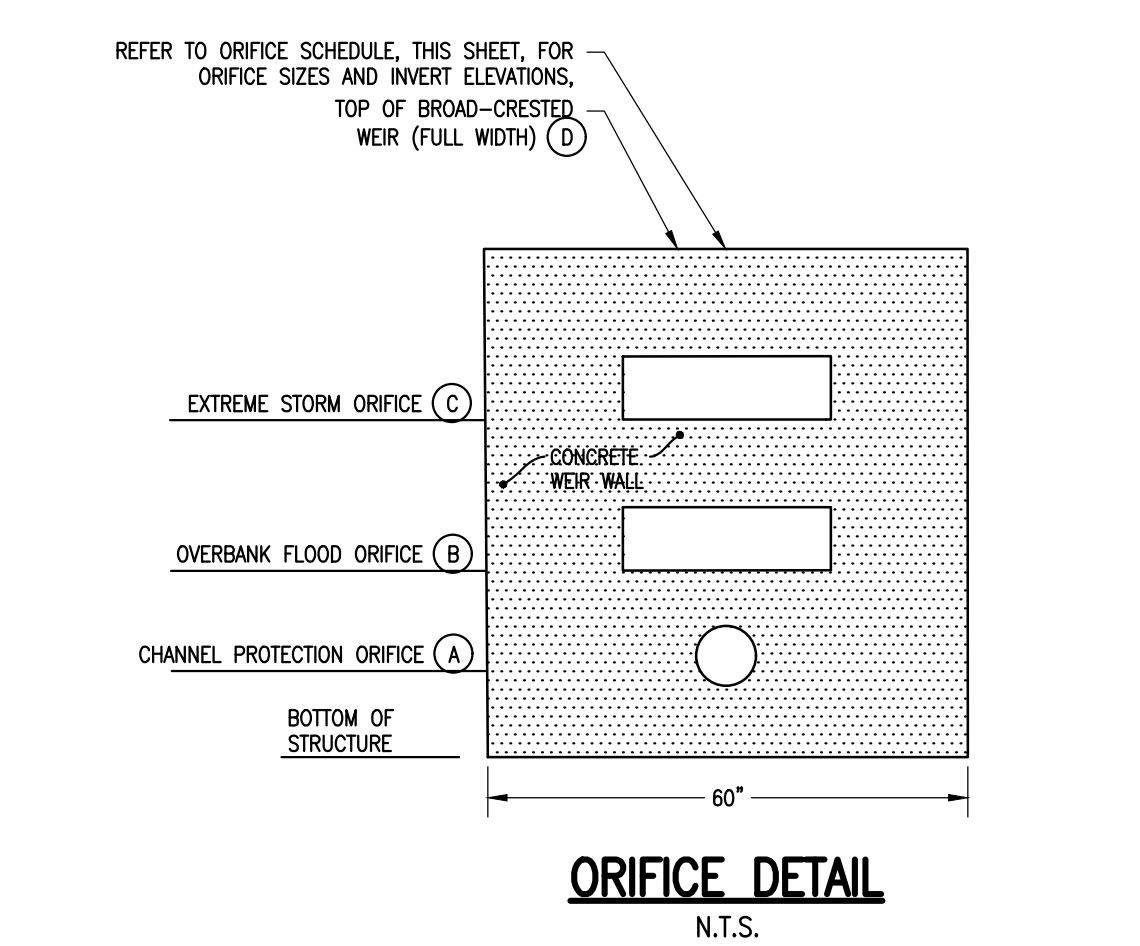


- SEEDING PROCEDURE:
- CULTIVATE ENTIRE AREA TO 4"-6" DEPTH. HANDRAKE SMOOTH. SPREAD 4" OF TOPSOIL.
 - APPLY ANY SOIL MODIFICATIONS AS NECESSARY (SEE SPECIFICATIONS OR LANDSCAPE NOTES)
 - WATER AREA TO BE SEED PRIOR TO LAYING SEED.
 - WATER THOROUGHLY UPON COMPLETION OF SEEDING.
 - APPLY SOIL STABILIZATION AS NECESSARY.

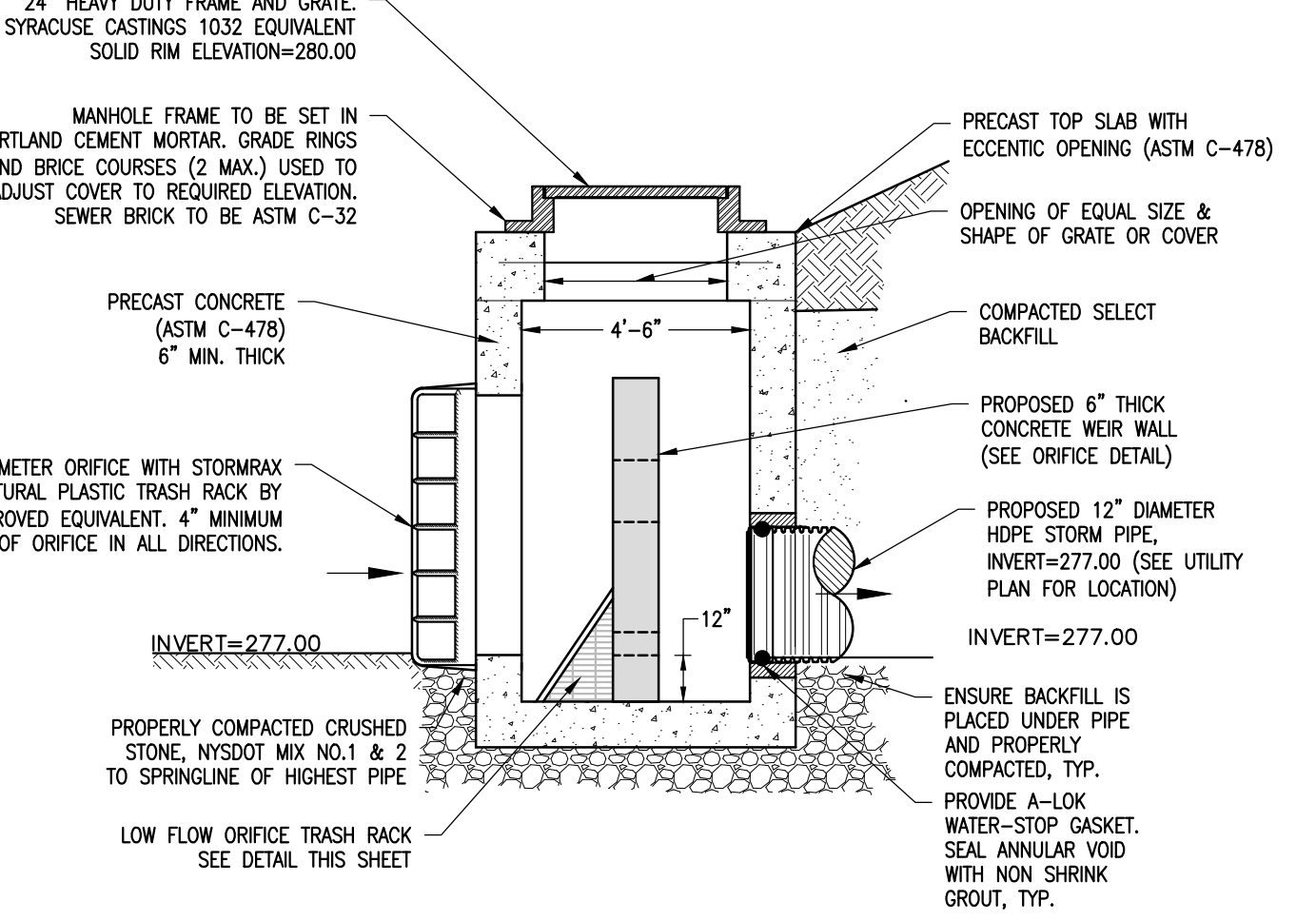
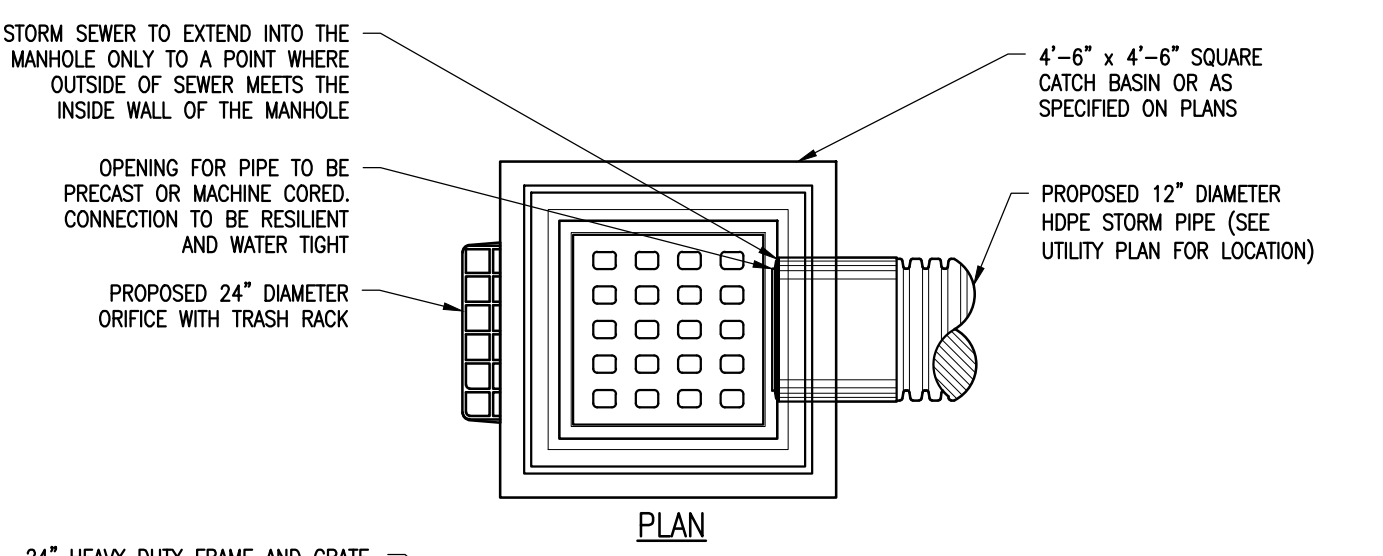
SOIL RESTORATION DETAIL



CONTROL STRUCTURE	(A) SIZE	(A) ELEV	(B) SIZE	(B) ELEV	(C) SIZE	(C) ELEV	(D) ELEV
1	3"	277.00	20"x6"	277.50	30"x6"	278.10	279.00



OUTLET CONTROL STRUCTURE 1 DETAIL



OUTLET CONTROL STRUCTURE 2 DETAIL

11/23/2021 1:55 PM M:\Con Edison CEB\014847\00 Con Edison CEB - Yorktown A Solar Farm\4.0 Dwg\4.1 CIV\114847-00 Notes & Details.dwg

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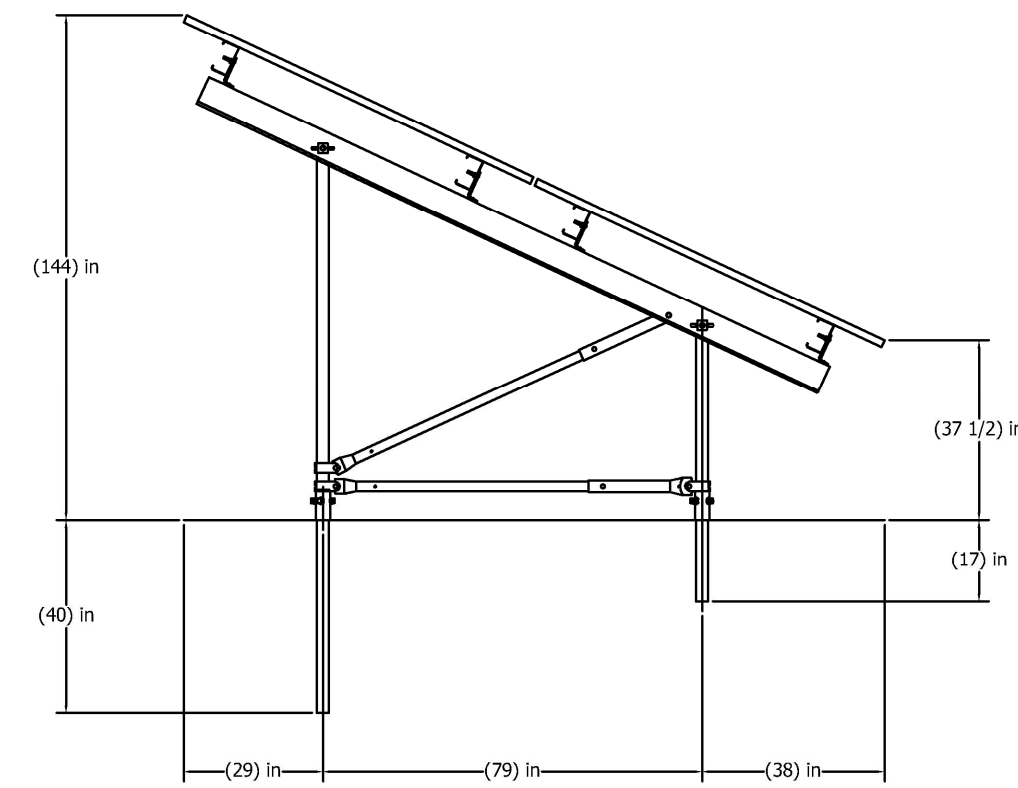
Project Manager:	ECR	Reviewed By:	ECR
Designed By:	WD	Drawn By:	WD
Date Issued:	OCTOBER 27, 2020	Scale:	AS NOTED
Project Number:	14847.00		

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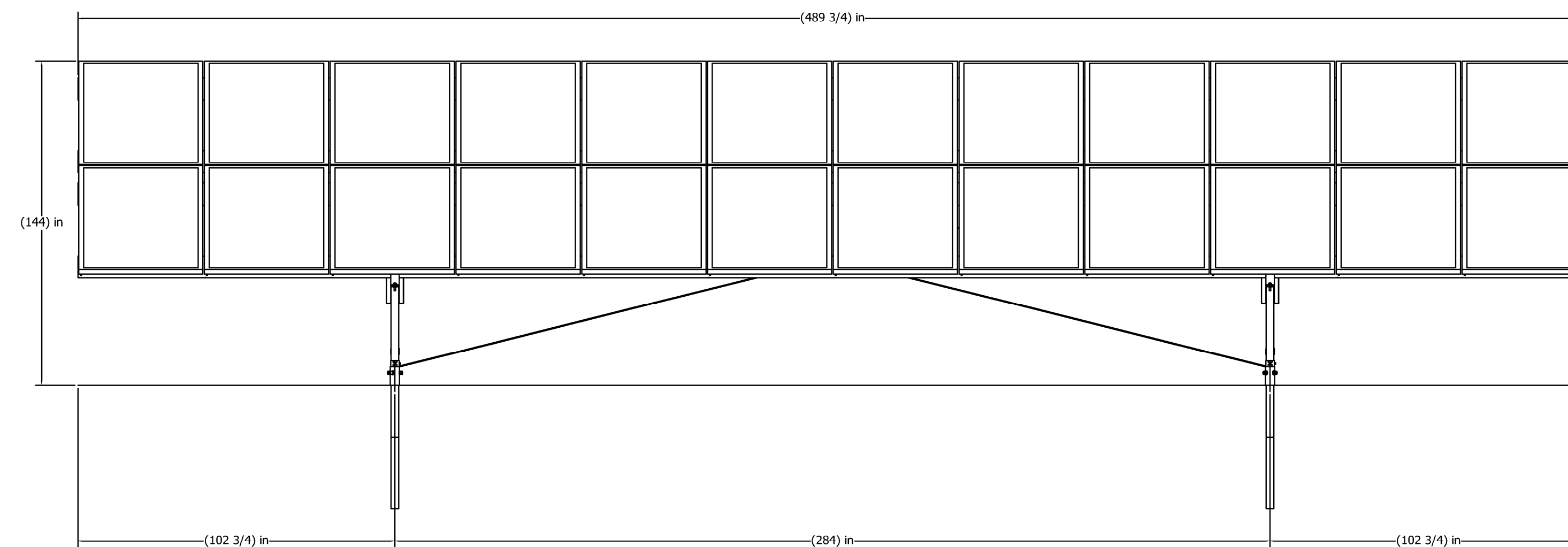
SIDE ELEVATION VIEW



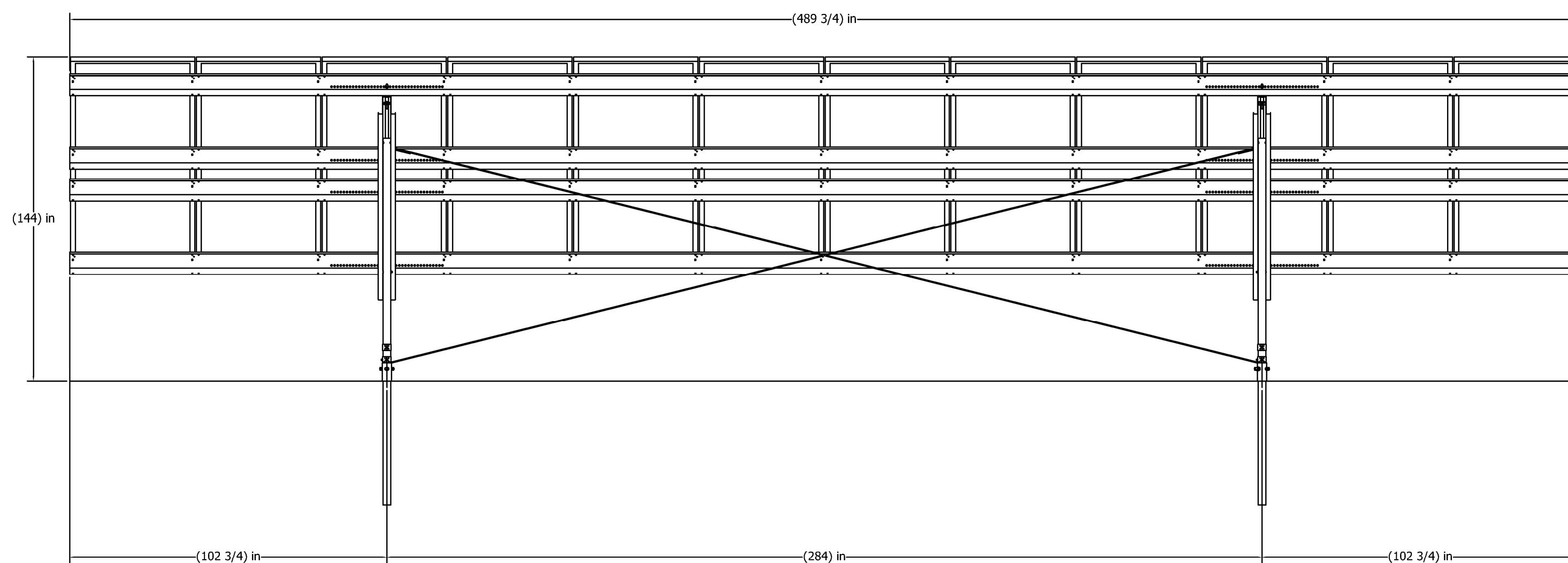
Portrait up to 3 high x 12 wide



Landscape up to 4 high x 6 wide
Bifacial compatible



FRONT ELEVATION VIEW



REAR ELEVATION VIEW

NOTES:

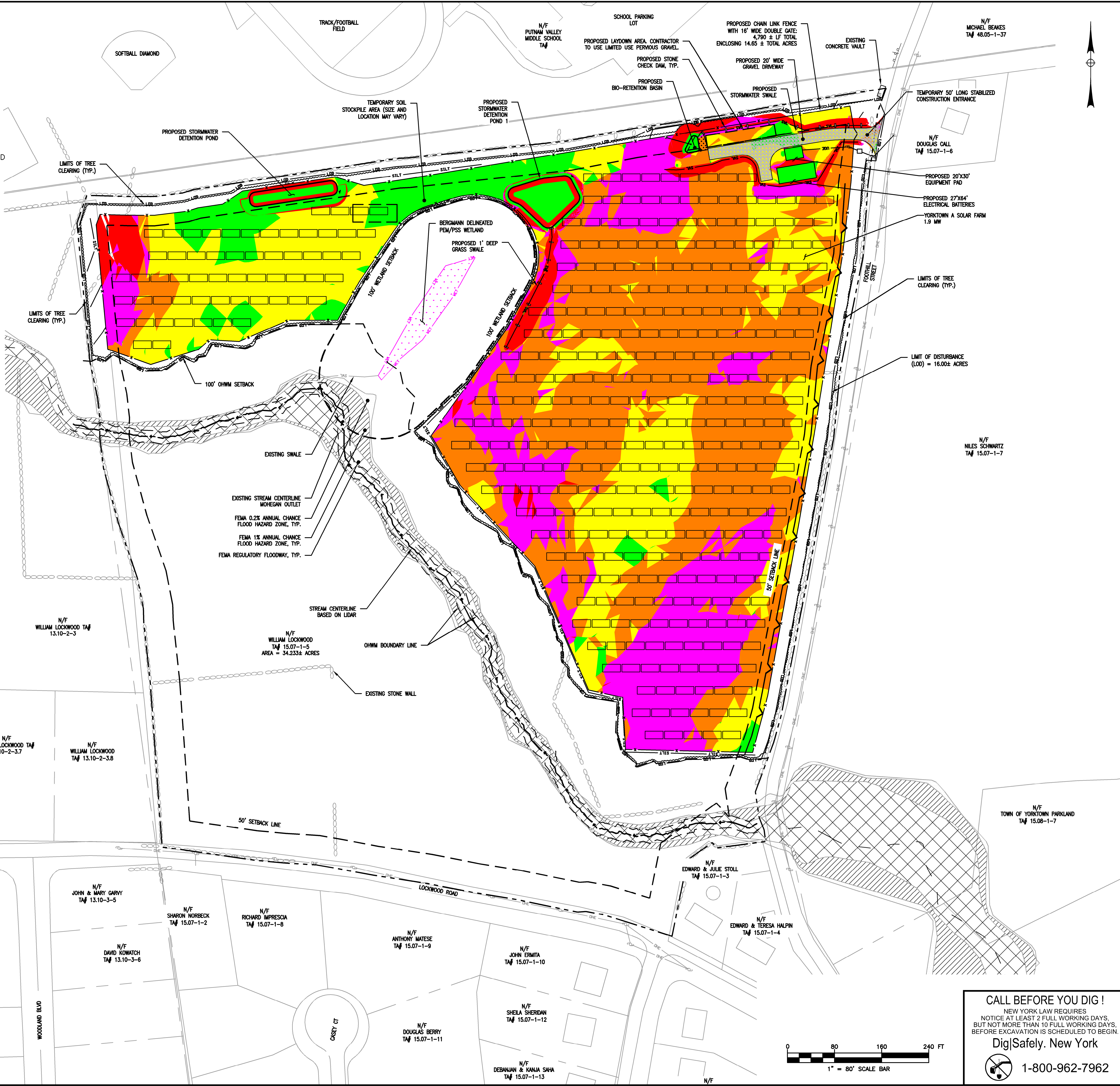
1. TYPICAL INSTALLATION DIMENSIONS MAY BE ADJUSTED TO SUIT FIELD CONDITIONS.
2. FINAL DESIGN AND ENGINEERING PLANS TO BE PROVIDED BY THE RACKING MANUFACTURER.

SOLAR PANEL DETAIL
NO SCALE

- LEGEND:**
- PROPERTY LINE SETBACK - 50 FEET
 - - - PROPERTY/R.O.W. LINE (SURVEYED)
 - - - EXISTING LOT LINE ADJUSTMENT
 - [Pattern] PROPOSED GRAVEL DRIVEWAY
 - [Pattern] PROPOSED ASPHALT PAVEMENT
 - [Pattern] FEMA 1% ANNUAL CHANCE FLOOD HAZARD
 - [Pattern] FEMA 0.2% ANNUAL CHANCE FLOOD HAZARD
 - [Pattern] EXISTING FEMA REGULATORY FLOODWAY
 - EXISTING ROAD
 - - - ADJ. PROPERTY/R.O.W. LINE (SURVEYED)
 - x - x - FENCE LINE
 - - -1010- EXISTING CONTOUR - MAJOR
 - - -1012- EXISTING CONTOUR - MINOR
 - - -1010- PROPOSED CONTOUR - MAJOR
 - - -1012- PROPOSED CONTOUR - MINOR
 - [Pattern] EXISTING VEGETATION
 - [Pattern] EXISTING ROCK WALL
 - [Pattern] PROPOSED LIMITS OF TREE CLEARING
 - [Pattern] BERGMANN DELINEATED PALUSTRINE EMERGENT WETLAND (PEM) / PALUSTRINE SCRUB SHRUB WETLAND (PSS)
 - Q STREAM
 - - - 100' WETLAND BUFFER
 - - - LIMITS OF DISTURBANCE LINE
 - - - SILT FENCE

Slopes Table

Number	Minimum Slope	Maximum Slope	Color
1	0.00%	5.00%	Green
2	5.00%	10.00%	Yellow
3	10.00%	15.00%	Orange
4	15.00%	25.00%	Purple
5	25.00%	49.33%	Red



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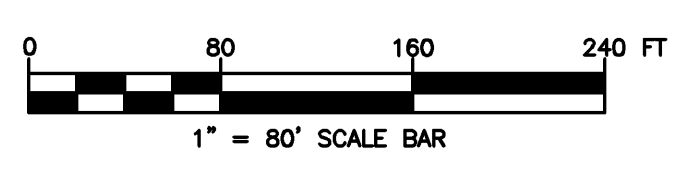
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Project Manager: ECR	Drawn By: WD	Date Issued: OCTOBER 27, 2020	Checked By: ECR	Scale: 1" = 80'
Drawing Number: 14847.00				

SLOPE HEAT MAP EXHIBIT

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C003

11/22/2021 7:12 PM M:\Con Edison\CEB\014847\00 Con Edison CEB - Yorktown A Solar Farm\k.0 Dwg\k.1 Civil\14847.00 Grading Slope Map.dwg

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either Yesor No. If the answer to the initial question is Yes complete the sub-questions that follow. If the answer to the initial question is No proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Yorktown A Solar Farm		
Project Location (describe, and attach a general location map): 3849 Foothill Street, Mohegan Lake, Westchester County, NY 10547		
Brief Description of Proposed Action (include purpose or need): The proposed project consists of a 16.0± acre community solar farm (Yorktown A). It will involve tree removal, the installation of ground mounted photovoltaic panels, battery storage, as well as the associated access road, electric utility upgrades, and perimeter fencing.		
Name of Applicant/Sponsor: Con Edison Clean Energy Businesses, Inc. c/o Joe Shanahan, Project Developer		Telephone: (978) 888-4088
		E-Mail: ShanahanJ@conedceb.com
Address: 100 Summit Lake Drive		
City/PO: Valhalla	State: NY	Zip Code: 10595
Project Contact (if not same as sponsor; give name and title/role): Bergmann c/o Eric Redding, PE as Agent for Applicant		Telephone: (518) 556-3631
		E-Mail: eredding@bergmannpc.com
Address: 2 Winners Circle, Suite 102		
City/PO: Albany	State: NY	Zip Code: 12205
Property Owner (if not same as sponsor): William Lockwood		Telephone: (914) 760-0817
		E-Mail: bill0704@hotmail.com
Address: 50 Lockwood Drive		
City/PO: Cortlandt Manor	State: NY	Zip Code: 10567

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (Funding includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If <input type="checkbox"/> es: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board: Site Plan Approval; Special Use Permit; Tree Permit	
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village <input type="checkbox"/> oning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Conservation Board	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County: 239M Review	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES General Permit GP-0-20-001; SHPO - No Effect; NYSERDA - Incentives;	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway <input type="checkbox"/>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program <input type="checkbox"/>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area <input type="checkbox"/>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and oning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed YesNo

- If es, complete sections C, F and G.
- If **No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other) YesNo

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan YesNo

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district

R1-40 One Family Residential

b. Is the use permitted or allowed by a special or conditional use permit Yes No

c. Is a zoning change requested as part of the proposed action Yes No

If Yes,
i. What is the proposed new zoning for the site

C.4. Existing community services.

a. In what school district is the project site located Lakeland Central School District

b. What police or other public protection forces serve the project site
Yorktown Police Department

c. Which fire protection and emergency medical services serve the project site
Yorktown Heights Fire Department

d. What parks serve the project site
Blackberry Woods Park, Shrub Oak Park, Ivy Knolls Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components) Community Solar Farm

b. a. Total acreage of the site of the proposed action 34.23 acres
b. Total acreage to be physically disturbed 16.00 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor 34.23 acres

c. Is the proposed action an expansion of an existing project or use Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet) % Units:

d. Is the proposed action a subdivision, or does it include a subdivision Yes No
If Yes,
i. Purpose or type of subdivision (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed Yes No
iii. Number of lots proposed
iv. Minimum and maximum proposed lot sizes Minimum Maximum

e. Will the proposed action be constructed in multiple phases Yes No
i. If No, anticipated period of construction: months
ii. If Yes:
• Total number of phases anticipated 4
• Anticipated commencement date of phase 1 (including demolition) March month 2022 year
• Anticipated completion date of final phase July month 2022 year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

The project site is divided into phases to avoid disturbing more than 5 acres at a time. The construction of future phases depend on the stabilization of each phase as the project continues.

f. Does the project include new residential uses Yes No

If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	□□□□□□□□	□□□□□□□□	□□□□□□□□	□□□□□□□□□□□□□□
At completion of all phases	□□□□□□□□	□□□□□□□□	□□□□□□□□	□□□□□□□□□□□□□□

g. Does the proposed action include new non-residential construction (including expansions) Yes No

If Yes,

- i. Total number of structures 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176 1177 1178 117

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
[]
[]
[]
[]

iii. Will the proposed action cause or result in disturbance to bottom sediments Yes No
If Yes, describe: []

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: []
- expected acreage of aquatic vegetation remaining after project completion: []
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): []
- proposed method of plant removal: []
- if chemical/herbicide treatment will be used, specify product(s): []

v. Describe any proposed reclamation/mitigation following disturbance: []
[]

c. Will the proposed action use, or create a new demand for water Yes No
If Yes:

i. Total anticipated water usage/demand per day: [] gallons/day

ii. Will the proposed action obtain water from an existing public water supply Yes No
If Yes:

- Name of district or service area: []
- Does the existing public water supply have capacity to serve the proposal Yes No
- Is the project site in the existing district Yes No
- Is expansion of the district needed Yes No
- Do existing lines serve the project site Yes No

iii. Will line extension within an existing district be necessary to supply the project Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: []
- Source(s) of supply for the district: []

iv. Is a new water supply district or service area proposed to be formed to serve the project site Yes No
If Yes:

- Applicant/sponsor for new district: []
- Date application submitted or anticipated: []
- Proposed source(s) of supply for new district: []

v. If a public water supply will not be used, describe plans to provide water supply for the project: []
[]

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: [] gallons/minute.

d. Will the proposed action generate liquid wastes Yes No
If Yes:

i. Total anticipated liquid waste generation per day: [] gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): []
[]
[]

iii. Will the proposed action use any existing public wastewater treatment facilities Yes No
If Yes:

- Name of wastewater treatment plant to be used: []
- Name of district: []
- Does the existing wastewater treatment plant have capacity to serve the project Yes No
- Is the project site in the existing district Yes No
- Is expansion of the district needed Yes No

- Do existing sewer lines serve the project site Yes No
- Will a line extension within an existing district be necessary to serve the project Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project:

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site Yes No

If Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- What is the receiving water for the wastewater discharge

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste:

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction Yes No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel

~~2,920±~~ Square feet or ~~0.07±~~ acres (impervious surface)
 1,491,189± Square feet or ~~34.23±~~ acres (parcel size)

- ii. Describe types of new point sources.

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)

Stormwater runoff will be directed to stormwater management facilities on site (detention ponds, bio-retention basin) and ultimately discharge to on and off site wetlands/streams.

- If to surface waters, identify receiving water bodies or wetlands:
- On-site Federal wetland and Stream

- Will stormwater runoff flow to adjacent properties Yes No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater Yes No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations Yes No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit Yes No

If Yes:

- i. Is the project site located in an Air quality non-attainment area (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

- ii. In addition to emissions as calculated in the application, the project will generate:

- Tons/year (short tons) of Carbon Dioxide (CO₂)
- Tons/year (short tons) of Nitrous Oxide (N₂O)
- Tons/year (short tons) of Perfluorocarbons (PFCs)
- Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities) Yes No

If Yes:

i. Estimate methane generation in tons/year (metric):

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring):

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of to

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing Proposed Net increase/decrease

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within mile of the proposed site Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action:

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <input type="text"/> 7:00 a.m. - 6:00 p.m. <input type="text"/> • Saturday: <input type="text"/> 7:00 a.m. - 6:00 p.m. <input type="text"/> • Sunday: <input type="text"/> N/A <input type="text"/> • Holidays: <input type="text"/> N/A <input type="text"/> 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <input type="text"/> N/A <input type="text"/> • Saturday: <input type="text"/> N/A <input type="text"/> • Sunday: <input type="text"/> N/A <input type="text"/> • Holidays: <input type="text"/> N/A <input type="text"/>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both Yes No
 If yes:
 i. Provide details including sources, time of day and duration:
 Noise levels will temporarily increase during construction due to construction equipment during the hours of 7:00 a.m. - 6:00 p.m., Monday - Saturday. Construction duration will not exceed 4 months. No significant impact with respect to noise is anticipated during operations. Work will conform to local noise ordinance.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen Yes No
 Describe: Existing vegetation will remain around the boundary of the project site.

n. Will the proposed action have outdoor lighting Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen Yes No
 Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage Yes No
 If Yes:
 i. Product(s) to be stored
 ii. Volume(s) per unit time (e.g., month, year)
 iii. Generally, describe the proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation Yes No
 If Yes:
 i. Describe proposed treatment(s):
 ii. Will the proposed action use Integrated Pest Management Practices Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials) Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: tons per (unit of time)
 • Operation: tons per (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction:
 • Operation:
 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction:
 • Operation:

s. Does the proposed action include construction or modification of a solid waste management facility Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities):
 ii. Anticipated rate of disposal/processing:
 • Tons/month, if transfer or other non-combustion/thermal treatment, or
 • Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility:
 ii. Generally describe processes or activities involving hazardous wastes or constituents:
 iii. Specify amount to be handled or generated tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents:
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility Yes No
 If Yes: provide name and location of facility:
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify):
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.00	0.07	+0.07
• Forested	32.40±	16.40±	-16.00±
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.00	15.76±	+15.76±
• Agricultural (includes active orchards, field, greenhouse etc.)	0.00	0.00	0.00
• Surface water features (lakes, ponds, streams, rivers, etc.)	1.66±	1.66±	0.00
• Wetlands (freshwater or tidal)	0.17±	0.17±	0.00
• Non-vegetated (bare rock, earth or fill)	0.00	0.00	0.00
• Other Describe: Limited Use Impervious Gravel <input type="checkbox"/> <input type="checkbox"/>	0.00	0.17±	+0.17±

c. Is the project site presently used by members of the community for public recreation Yes No
i. If Yes: explain:

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site Yes No
If Yes,
i. Identify Facilities:
Putnam Valley Middle School, Putnam Valley High School

e. Does the project site contain an existing dam Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: feet
• Dam length: feet
• Surface area: acres
• Volume impounded: gallons OR acre-feet
ii. Dam's existing hazard classification:
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility Yes No
If Yes:
i. Has the facility been formally closed Yes No
• If yes, cite sources/documentation:
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database Check all that apply:
 Yes Spills Incidents database Provide DEC ID number(s):
 Yes Environmental Site Remediation database Provide DEC ID number(s):
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures:

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database Yes No
If yes, provide DEC ID number(s):
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses Yes No

- If yes, DEC site ID number:
- Describe the type of institutional control (e.g., deed restriction or easement):
- Describe any use limitations:
- Describe any engineering controls:
- Will the project affect the institutional or engineering controls in place Yes No
- Explain:

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site >6.5± feet

b. Are there bedrock outcroppings on the project site Yes No
If Yes, what proportion of the site is comprised of bedrock outcroppings %

c. Predominant soil type(s) present on project site:

ChB (HSG B)	<input type="text"/>	<input type="text"/> 73.3± %
ChE (HSG B)	<input type="text"/>	<input type="text"/> 17.2± %
SuB (HSG D)	<input type="text"/>	<input type="text"/> 6.6± %

d. What is the average depth to the water table on the project site Average: >6.5± feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	<input type="text"/> 91.6 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	<input type="text"/> 8.4 % of site
<input type="checkbox"/> Poorly Drained	<input type="text"/> % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	<input type="text"/> 33 % of site
<input checked="" type="checkbox"/> 10-15%:	<input type="text"/> 36 % of site
<input checked="" type="checkbox"/> 15% or greater:	<input type="text"/> 31 % of site

g. Are there any unique geologic features on the project site Yes No
If Yes, describe:

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes) Yes No

ii. Do any wetlands or other waterbodies adjoin the project site Yes No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 864+614 Classification C
- Lakes or Ponds: Name Classification
- Wetlands: Name Federal Waters Approximate Size 0.17± Acres
- Wetland No. (if regulated by DEC)

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies Yes No
If yes, name of impaired water body/bodies and basis for listing as impaired:

i. Is the project site in a designated Floodway Yes No

j. Is the project site in the 100-year Floodplain Yes No

k. Is the project site in the 500-year Floodplain Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer Yes No
If Yes:

i. Name of aquifer:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places Yes No

If Yes:
 i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
 ii. Name:
 iii. Brief description of attributes on which listing is based:

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site Yes No
 If Yes:
 i. Describe possible resource(s):
 ii. Basis for identification:

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource Yes No
 If Yes:
 i. Identify resource: Taconic State Parkway
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Scenic Byway
 iii. Distance between project and resource: 2.0± miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666 Yes No
 If Yes:
 i. Identify the name of the river and its designation:
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666 Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

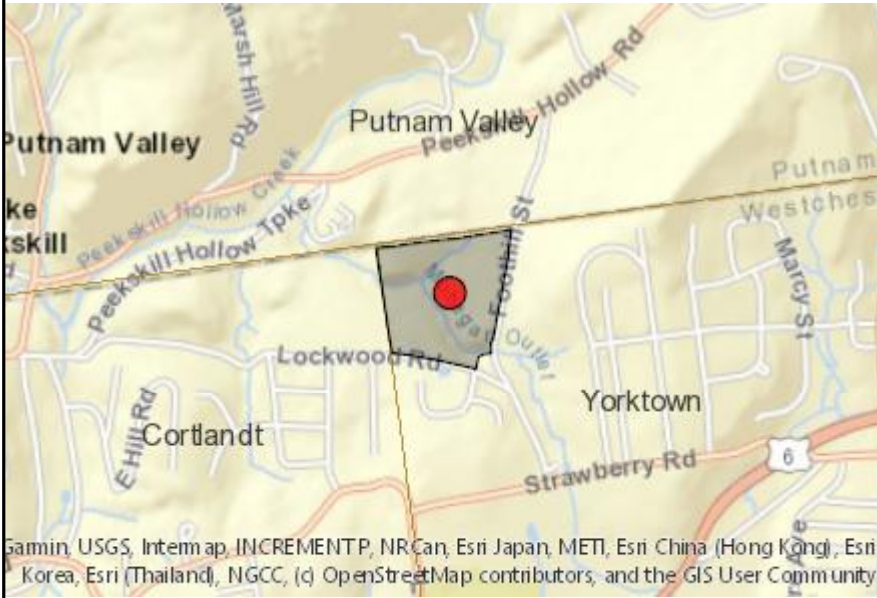
G. Certification

I certify that the information provided is true to the best of my knowledge.

Con Edison Clean Energy Businesses, Inc.

Applicant/Sponsor Name c/o Joe Shanahan Date 11/23/2021

Signature Eric Redding Bergmann c/o Eric Redding, PE Title Discipline Leader
 as Agent for Applicant



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	864-614
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes

E.2.i. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	WEST001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

GLIDE Agile



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Portrait up to 3 high x 12 wide



Landscape up to 4 high x 6 wide
Bifacial compatible

Benefits

- Less hardware for faster installation and reduced labor hours
- Simplified hardware featuring 2-piece bolt stacks and only two types of hardware
- Adapts to steep slopes
- Accommodates arduous soils
- Included wire management
- Lighter, stiffer components for less freight costs
- Versatile with numerous configurations
- Durable, tolerating up to 170 MPH winds and 100 PSF ground snow loads
- Landscape orientation is bifacial compatible to maximize potential backside power yield

Specifications

Module orientation	Portrait or Landscape
Module mounting	Bottom mount / Integrated electrical bonding
Tilt angle	5°- 35°
Wire management	Incorporated in structure – NEC compliant
Configuration	Portrait: up to 3 high x 12 wide / Landscape: up to 4 high x 6 wide
Slopes	East or West facing, up to 30% / North or South facing, up to 36%
Load capacities	Project specific: up to 170 MPH wind speed and 100 PSF ground snow load
Foundations	Ground screws / Driven piles
Warranty	20 year limited warranty
Certifications	UL2703, edition 1; CPP wind tunnel tested

Eagle 72HM G2

390-410 Watt

MONO PERC HALF CELL MODULE

Positive power tolerance of 0~+3%



KEY FEATURES



Diamond Cell Technology

Uniquely designed high performance 5 busbar mono PERC half cell



High Voltage

UL and IEC 1500V certified; lowers BOS costs and yields better LCOE



Higher Module Power

Decrease in current loss yields higher module efficiency



Shade Tolerance

More shade tolerance due to twin arrays



PID FREE

Reinforced cell prevents potential induced degradation



Strength and Durability

Certified for high snow (5400Pa) and wind (2400 Pa) loads

- ISO9001:2008 Quality Standards
- ISO14001:2004 Environmental Standards
- OHSAS18001 Occupational Health & Safety Standards
- IEC61215, IEC61730 certified products
- UL1703 certified products

Nomenclature:

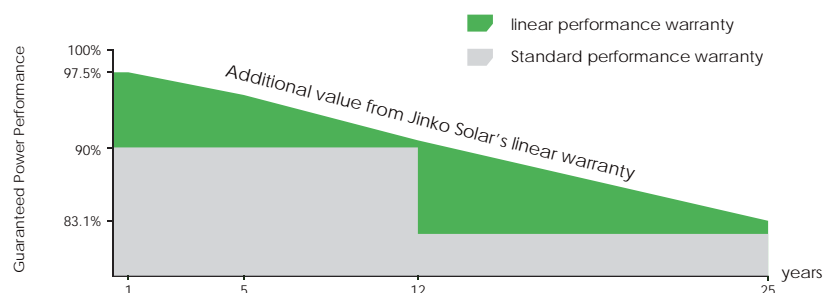
JKM410M-72HL-V

Code	Cell	Code	Cell	Code	Certification
null	Full	null	Normal	null	1000V
H	Half	L	Diamond	V	1500V

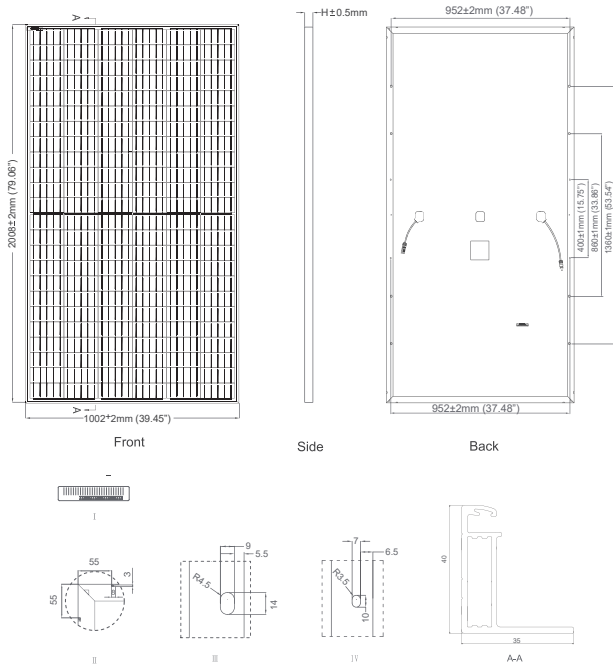


LINEAR PERFORMANCE WARRANTY

12 Year Product Warranty • 25 Year Linear Power Warranty



Engineering Drawings

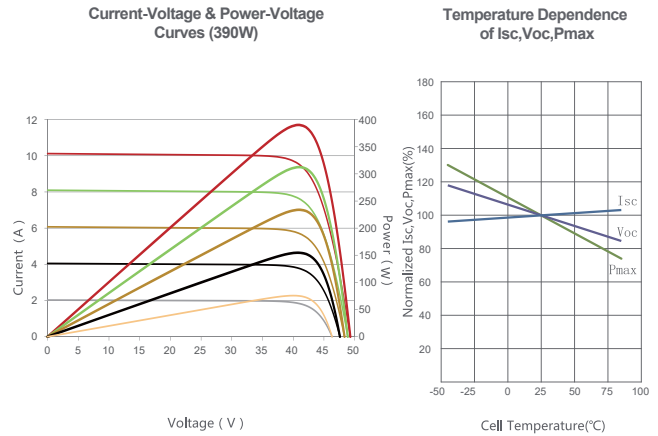


Packaging Configuration

(Two pallets = One stack)

27pcs/pallet, 54pcs/stack, 594pcs/40'HQ Container

Electrical Performance & Temperature Dependence



Mechanical Characteristics

Cell Type	Mono PERC Diamond Cell (158.75 x 158.75 mm)
No. of Half-cells	144 (6×24)
Dimensions	2008×1002×40mm (79.06×39.45×1.57 inch)
Weight	22.5 kg (49.6 lbs)
Front Glass	3,2mm, Anti-Reflection Coating, High Transmission, Low Iron, Tempered Glass
Frame	Anodized Aluminium Alloy
Junction Box	IP67 Rated
Output Cables	12AWG, (+) 1400mm(55.12 in), (-) 1400mm(55.12 in) or Customized Length
Fire Type	Type 1

SPECIFICATIONS

Module Type	JKM390M-72HL-V		JKM395M-72HL-V		JKM400M-72HL-V		JKM405M-72HL-V		JKM410M-72HL-V	
	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT
Maximum Power (Pmax)	390Wp	294Wp	395Wp	298Wp	400Wp	302Wp	405Wp	306Wp	410Wp	310Wp
Maximum Power Voltage (Vmp)	41.1V	39.1V	41.4V	39.3V	41.7V	39.6V	42.0V	39.8V	42.3V	40.0V
Maximum Power Current (Imp)	9.49A	7.54A	9.55A	7.60A	9.60A	7.66A	9.65A	7.72A	9.69A	7.76A
Open-circuit Voltage (Voc)	49.3V	48.0V	49.5V	48.2V	49.8V	48.5V	50.1V	48.7V	50.4V	48.9V
Short-circuit Current (Isc)	10.12A	8.02A	10.23A	8.09A	10.36A	8.16A	10.48A	8.22A	10.60A	8.26A
Module Efficiency STC (%)	19.38%		19.63%		19.88%		20.13%		20.38%	
Operating Temperature (°C)	-40°C~+85°C									
Maximum System Voltage	1500VDC(UL)/1500VDC(IEC)									
Maximum Series Fuse Rating	20A									
Power Tolerance	0~+3%									
Temperature Coefficients of Pmax	-0.36%/°C									
Temperature Coefficients of Voc	-0.28%/°C									
Temperature Coefficients of Isc	0.048%/°C									
Nominal Operating Cell Temperature (NOCT)	45±2°C									

STC: Irradiance 1000W/m² Cell Temperature 25°C AM=1.5

NOCT: Irradiance 800W/m² Ambient Temperature 20°C AM=1.5 Wind Speed 1m/s

* Power measurement tolerance: ± 3%

CAUTION: READ SAFETY AND INSTALLATION INSTRUCTIONS BEFORE USING THE PRODUCT.

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JKM390-410M-72HL-V-A2-US



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 21, 2018

Ms. Skylar Francis
Environmental Scientist
Bergmann Associates
280 E. Broad Street, Suite 200
Rochester, NY 14604

Re: USACE
Yorktown A Solar Farm
3849 Foothill Street, Mohegan Lake, NY
18PR02645
GP-0-15-002

Dear Ms. Francis:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Thank you for submitting a drawing of the proposed project design.

Based on its environmental setting, we have determined that your project area is archaeological sensitive. Much of the current project property was subjected to an archaeological survey in 2007 (07PR001196), for a project that was never constructed. However, the northwestern corner of the property was not included in the area to be disturbed by that project and was, consequently, not tested (see attached testing plan).

Therefore, the New York State Office of Parks, Recreation and Historic Preservation and its State Historic Preservation Office (SHPO) recommends that a Phase IA/B Archaeological Investigation is warranted for the previously untested portion of the current project area, subject to the following survey guidance.

Phase IB archaeological testing is recommended for the locations of proposed roads, facilities, retention ponds, staging areas, utility trenches over a foot wide, drainages over foot wide, and areas of grubbing and grading.

Phase IB archaeological testing is NOT recommended for panel arrays, perimeter fencing and utility poles if their associated posts are driven into the ground and no grubbing or grading is involved. However, if the installation of the panel array supports, fencing or utility poles requires excavation or grubbing and grading then Phase IB archaeological testing is recommended.

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

Francis, 21 May 2018

If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by SHPO. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Perazio". The signature is written in a cursive, flowing style.

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit

Phone: 518-268-2175

e-mail: philip.perazio@parks.ny.gov

via e-mail only

Attachment

cc: David Plante and Robert Switala, Bergmann Associates



Wetland and Aquatic Resources Delineation Report

Clean Energy Collective – Yorktown A Solar Project



Prepared For:
Clean Energy Collective
361 Centennial Parkway #300
Louisville, CO 80027

Bergmann
2665 Corning Road
Horseheads, NY 14845



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Figure 2	Aerial Imagery Map
Figure 3	National Wetlands Inventory Map
Figure 4	NRCS Soils Map
Figure 5	NYSDEC Freshwater Wetlands Map

APPENDICES

Appendix A	Field Data Forms
Appendix B	Representative Photographs
Appendix C	Threatened and Endangered Species Research



1.0 Introduction

Bergmann was retained by Clean Energy Collective to conduct a delineation of Wetlands and other Waters of the United States within the Yorktown A Solar Farm project site (referred to as the "Study Area"). The proposed project involves the installation of ground mounted photovoltaic panels on 16.00 acres of vacant forested land in Yorktown, Westchester County, NY.

The purpose of this investigation was to identify and delineate wetlands and other surface waters that are classified as "waters of the United States" under the Federal Clean Water Act, 33 U.S.C. §§ 1251 *et. seq.* (CWA) and Section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 403 (RHA), that could potentially be regulated by the United States Army Corps of Engineers (Corps) and/or the New York State Department of Environmental Conservation (NYSDEC). A formal wetland delineation of the project site was conducted on September 15, 2017 by Rita Zack and Michael Robson, Ph. D. of Bergmann. The delineation was conducted in accordance with the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987; "1987 Manual") and the corresponding *USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)* (USACE 2012, "Regional Supplement").

This report has been revised on November 22, 2021 to address comments raised by Barton & Loguidice in a letter to the Town of Yorktown Planning Board dated November 1, 2021.



2.0 United States Army Corps of Engineers Methodology

As defined by the United States Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA), wetlands are *“those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances does not support, a prevalence of vegetation typically adapted for life in saturated soil conditions”* (Environmental Laboratory 1987). Wetlands can support critical environmental functions including but not limited to: groundwater recharge and discharge, water and sediment retention, nutrient and toxicant removal and flora and fauna habitat. One way in which these valuable ecosystems are protected is through governmental regulations under Section 404 of The Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. To provide an accurate and consistent way of identifying and delineating areas that meet the wetland definition, the Corps developed an approach that investigates the vegetation, soils and hydrology of an area. Locations that meet the Corps defined criteria of hydrophytic vegetation, hydric soils and wetland hydrology will be considered Corps-jurisdictional wetlands. A detailed methodology for wetland delineations was published in the Corps’ 1987 Manual and accompanying Regional Supplements that are specific to regions throughout the United States.

2.1 HYDROPHYTIC VEGETATION

The 1987 Manual considers hydrophytic vegetation as a community of macrophytic plants that occur in areas where inundation or soil saturation is permanent, or frequently occurs in durations sufficient enough to influence the growth of plant species. The 1987 Manual emphasizes the assemblage of various plant species rather than the occurrence of individual indicator species to determine the presence or absence of hydrophytic vegetation. It is present when a location is dominated by species that either thrive in, or require extended soil saturation or inundation during the growing season. A hydrophytic vegetation determination is made by comparing the present plant species to the federal wetland indicators determined by the Corps, listed in the National Wetland Plant Indicator List. The Regional Supplements recognize the following indicator statuses:

1. Obligate Wetland Plants (OBL): Species that commonly occur in wetlands (>99% of the time).
2. Facultative Wetland Plants (FACW): Species that occur usually in wetlands (67%-99% of the time), but may also occur in non-wetlands.
3. Facultative Plants: (FAC): Species that usually occur in wetlands and non-wetlands equally (34%-66% of the time).
4. Facultative Upland Plants (FACU): Species that occur usually occur in non-wetlands (67%-99% of the time) but may also occur in wetlands.
5. Upland Plants (UPL): Species that commonly occur in non-wetlands (>99% of the time).

Occasionally, plant species are listed as “NI”, indicating they have been reviewed but no regional indicator was assigned, or “NO” indicating no known occurrence in the region. If these instances present themselves the indicator status assigned to the closest adjacent Corps region should be used. If that region does not provide an indicator status, then the species in question is marked as “Not listed (NL)” and is not considered during the determination of hydrophytic vegetation.



2.2 HYDRIC SOILS

The United States Department of Agricultural (USDA) Natural Resource Conservation Service (NRCS) defines hydric soils as *"a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part"* (USDA 2006). Inundation and saturation of a soil, combined with microbial activity causes anaerobic conditions within the soil, leading to oxygen depletion, accumulation of organic matter and/or reducible elements, most notably, iron. To determine the hydric status of a soil, the results of chemical reactions within the soil profile resulting from anaerobic conditions, are investigated based on color. Soil color is determined using the Munsell Soil Color Chart (X-Rite 2009), to establish the Hue, Value and Chroma of a sample. Hydric soil indicators are divided based on the texture of the soil. Indicators designated as "S" are applicable to Sandy Soils, while indicators designated as "F" are applicable to Loamy and Clayey Soils. Indicators listed as "A" are appropriate for All Soils. Hydric soil indicators vary by Regional Supplement.

2.3 WETLAND HYDROLOGY

"The term 'wetland hydrology' encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface, at some time during the growing season" (Environmental Laboratory 1987).

Hydrology indicators provide insight to a locations long-term hydrologic regime. Some hydrology indicators are naturally seasonal. The absence of hydrologic indicators does not necessarily conclude that wetland hydrology is not present. If hydrology indicators are the only parameter not observed it is likely that the location has inundated or saturated soils at some point during the growing season, but not at the time of observation. If hydrophytic vegetation and hydric soils are observed on site, special considerations for the lack of hydrologic indicators should be considered and further information on the locations natural hydraulic regime may be necessary.



3.0 Office Assessment

The following sections describe the data and resources reviewed prior to the field visit.

3.1 TOPOGRAPHY

The Study Area is located in the United States Geological Survey (USGS) Mohegan Lake, NY 7.5' Topographic Quadrangle. Elevation of the site ranges from roughly 250 to 400 feet above sea level. The mapped perennial Mohegan Outlet is located in the central portion of the Study Area (refer to Figure 1, Site Location Map).

3.2 NATURAL RESOURCE CONSERVATION SERVICE SOIL SURVEY MAPPING

The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey for Westchester County, New York was reviewed. The following soil types are mapped within the Study Area:

- Charlton fine sandy loam, 3-8% slopes (ChB)
- Charlton loam, 25-35% slopes (ChE)
- Leicester loam, 3-8% slopes, very stony (LeB)
- Paxton fine sandy loam, 8-15% slopes (PnC)
- Sutton loam, 3-8% slopes (SuB)

Leicester loam is listed as a hydric soil for Westchester County, New York (refer to Figure 4, NRCS Soils Map).

3.3 NATIONAL WETLANDS INVENTORY MAPPING

The United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Map of the Study Area was reviewed prior to the field delineation. A riverine, upper perennial, unconsolidated bottom, permanently flooded (R3UBH) wetland was found mapped in the Study Area, consistent with the Mohegan Outlet (refer to Figure 3, NWI Map). A palustrine, emergent, persistent, seasonally flooded (PEM1C) wetland is also mapped to the immediate southeast of the project site, however impacts are not anticipated from the preliminary site plans.

3.4 NYSDEC ENVIRONMENTAL RESOURCE MAPPER

The Study Area was reviewed using the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM). One freshwater wetland check zone area is mapped within the Study Area (refer to Figure 5, NYSDEC FWW Map). The freshwater wetland A-28 check zone extends into the southeastern corner of the project site, indicating the potential for wetlands in the area. The Mohegan Outlet (Regulation 864-614) is also mapped as a NYSDEC classified stream within the Study Area. The Mohegan Outlet is mapped as a Class C / Standard C stream. The Study Area does not fall within the vicinity of "Rare Plants and Rare Animals" shown on the ERM. A copy of the ERM results are included in Appendix C.

3.5 THREATENED AND ENDANGERED SPECIES REVIEW

USFWS Official Species Lists were originally obtained in May 2018. Updated Official Species Lists, from the New York State Ecological Field Office (Consultation Code: 05E1NY00-2018-SLI-2074) and the Long Island Ecological Field Office (Consultation Code: 05E1LI00-2018-SLI-0556) have been obtained. The updated Official Species Lists identify the



federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened bog turtle (*Clemmys muhlenbergii*) as potentially occurring within the Study Area. The updated Official Species Lists are included in Appendix C.

The NYSDEC's Environmental Resource Mapper was reviewed. The Project site does not fall within the "Rare Plants and Animals" layer or the "Significant Natural Communities" layer mapped by the New York State Natural Heritage Program (NYNHP), indicating there are no known records of federal or state listed threatened or endangered species within the Project site.

Suitable summer habitat for the Indiana bat is present within the Study Area. The delineated wetland was not formally investigated for bog turtle habitat.

3.6 CULTURAL RESOURCES

The National Register of Historic Places (NRHP) was reviewed for properties within Westchester County, New York and no structures, historic properties or other features of historic significance listed on the National Register were determined to be located within the vicinity of the project area. The site is also not located within an archaeologically sensitive area. A project review with the New York Office of Parks, Recreation and Historic Preservation (OPRHP) was submitted on May 1, 2018 using the OPRHP's online, GIS based Cultural Resource Information System (CRIS). A response from the OPRHP is currently pending.



4.0 Field Delineation

The field delineation was conducted on September 15, 2017 by Rita Zack and Mike Robson, Ph. D. of Bergmann. The procedures defined by the 1987 Manual and accompanying Northeast Northcentral Regional Supplement were used during the delineation. The boundaries of the delineated wetlands were flagged in the field using pink survey tape and located using a Trimble R1 GNSS receiver and a Yuma 2 tablet computer. Data forms associated with the delineated features are included in Appendix A.

4.1 WETLANDS AND AQUATIC RESOURCES

The field delineation resulted in the delineation of one (1) jurisdictional wetland and one (1) perennial stream within the Study Area.

Approximately 0.17 acres of Wetland 1 occurs within the Study Area, in the northern portion of the Study Area, to the east of the bend in the Mohegan Outlet. Wetland 1 is a palustrine forested wetland (PFO) and is a sparsely vegetated concave surface. Wetland 1 is dominated by American red maple (*Acer rubrum*), sensitive fern (*Onoclea sensibilis*), and orange jewelweed (*Impatiens capensis*). Visible indicators of wetland hydrology include saturation, water-stained leaves, surface soil cracks, and moss trim lines. The hydric soil investigation determined that soils within Wetland 1 met the histc epipedon indicator and decomposition was observed.

A perennial stream (Mohegan Outlet) was delineated as Stream 1. Stream 1 was observed to be roughly twenty to thirty feet wide flowing from the southeast corner of the site to the northwest. Banks of the stream were observed to be four (4) to six (6) feet deep within the channel with a steep gradient and a slight meander through the site. Bed materials were observed to be cobbles.

4.2 UPLANDS

The majority of the Study Area is occupied by vacant forested land. An upland data point was taken in the central portion of the Study Area, to the west of the Mohegan Outlet. This area was dominated by sugar maple (*Acer saccharum*), eastern hemlock (*Tsuga canadensis*), American beech (*Fagus grandifolia*), and American red maple (*Acer rubrum*). No wetland hydrology indicators were observed and no hydric soils occur in the upland areas of the project site.



5.0 References

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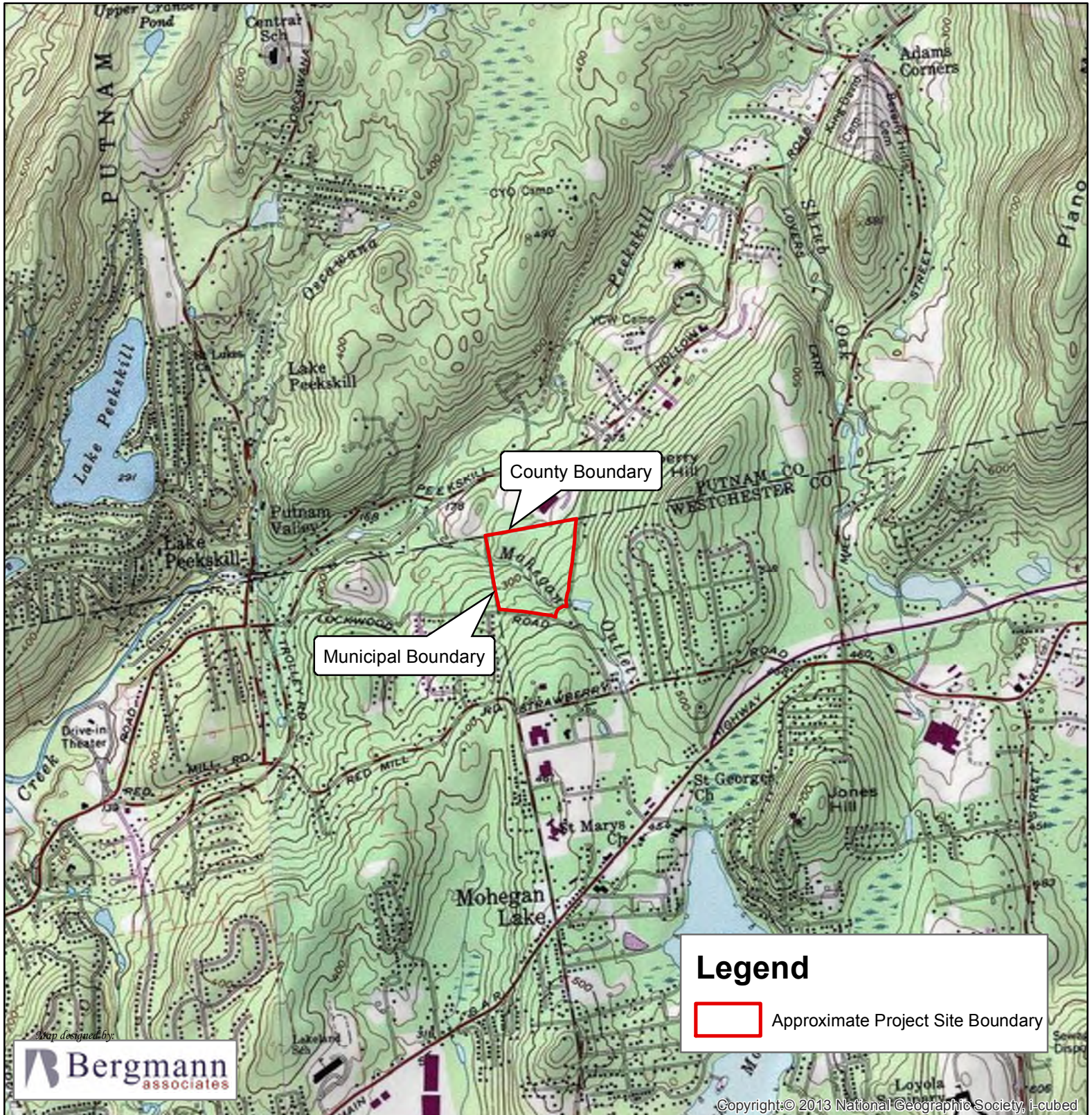
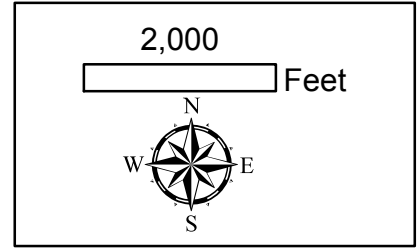
FIGURES

Clean Energy Collective Yorktown Solar Farm Solar Site Assessment

Town of Yorktown
Westchester County, New York

SITE LOCATION MAP

Fig. 1



Map designed by:

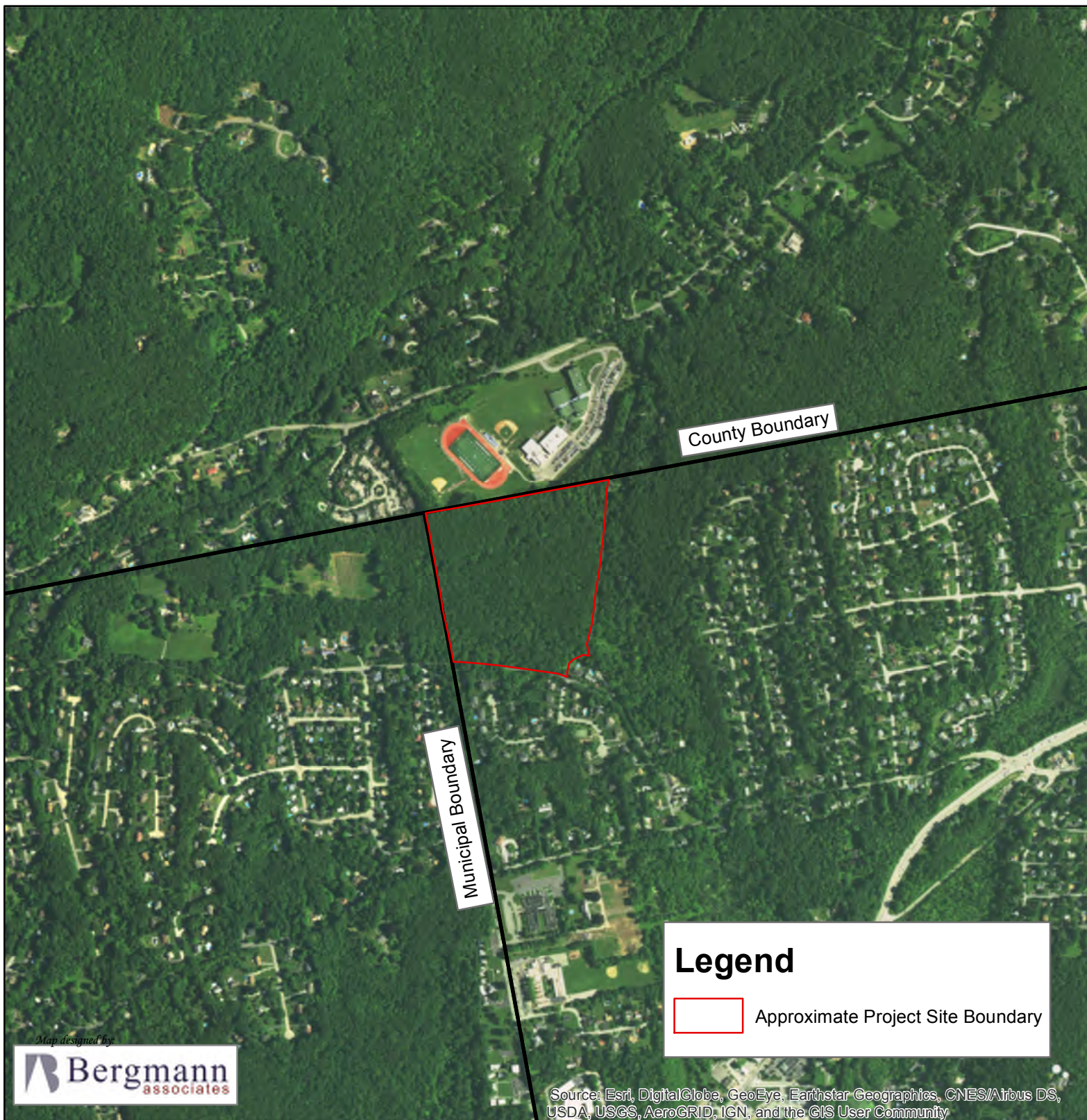
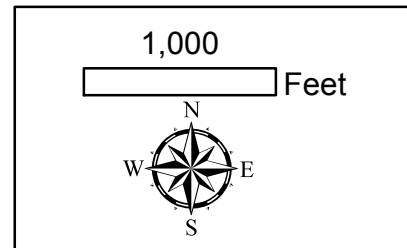


Clean Energy Collective Yorktown Solar Farm Solar Site Assessment

Town of Yorktown
Westchester County, New York

AERIAL IMAGERY
MAP

Fig. 2



Map designed by:



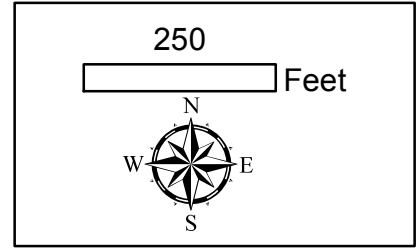
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Clean Energy Collective Yorktown Solar Farm Solar Site Assessment

Town of Yorktown
Westchester County, New York

NATIONAL WETLANDS
INVENTORY MAP

Fig. 3

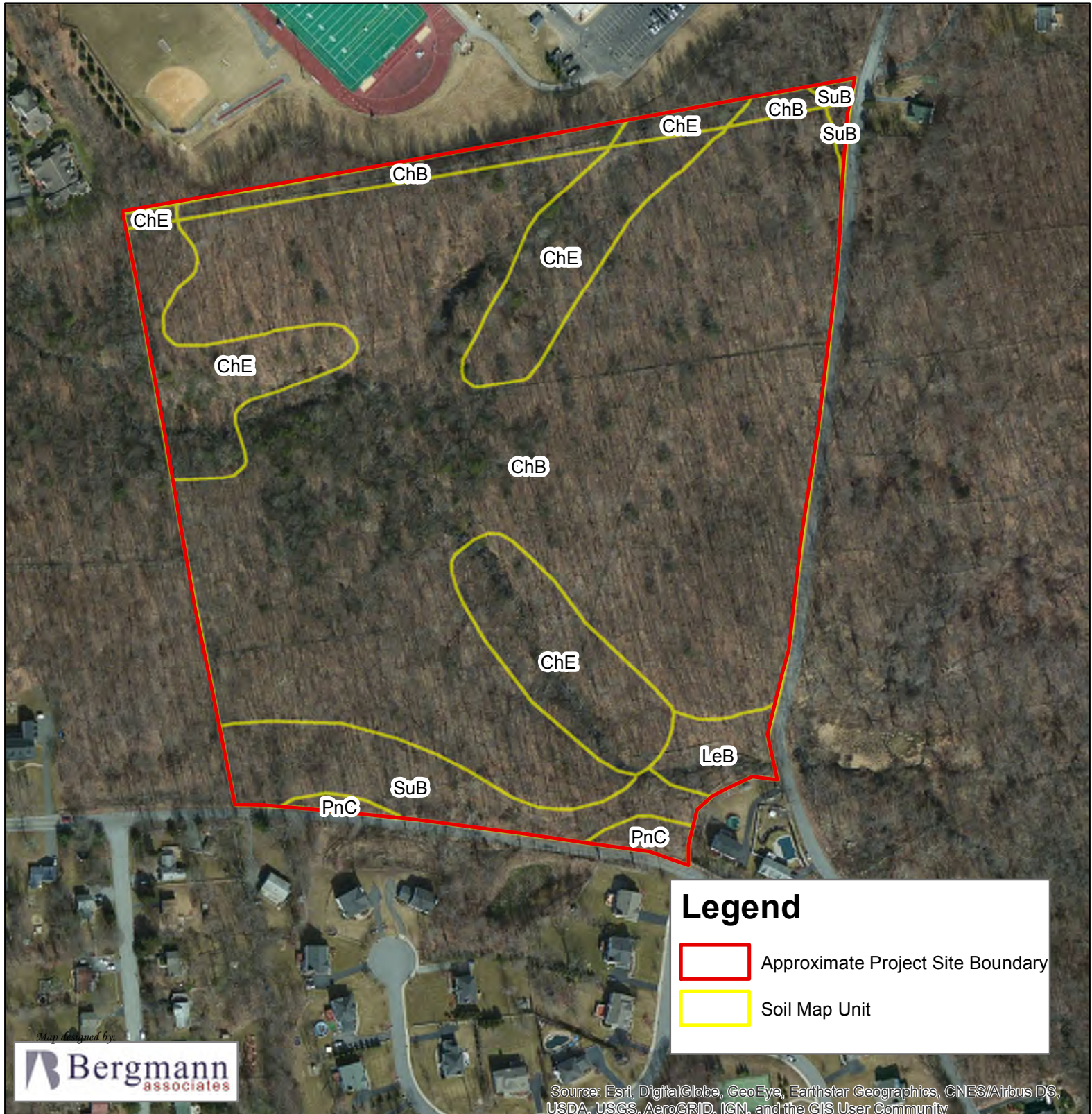
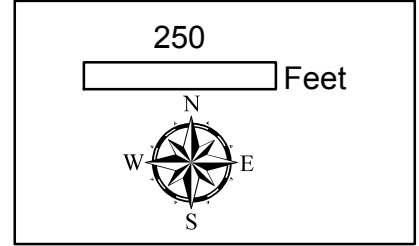


Clean Energy Collective Yorktown Solar Farm Solar Site Assessment



Town of Yorktown
Westchester County, New York

NRCS SOIL
SURVEY MAP

Fig. 4



Legend

-  Approximate Project Site Boundary
-  Soil Map Unit

Map designed by:

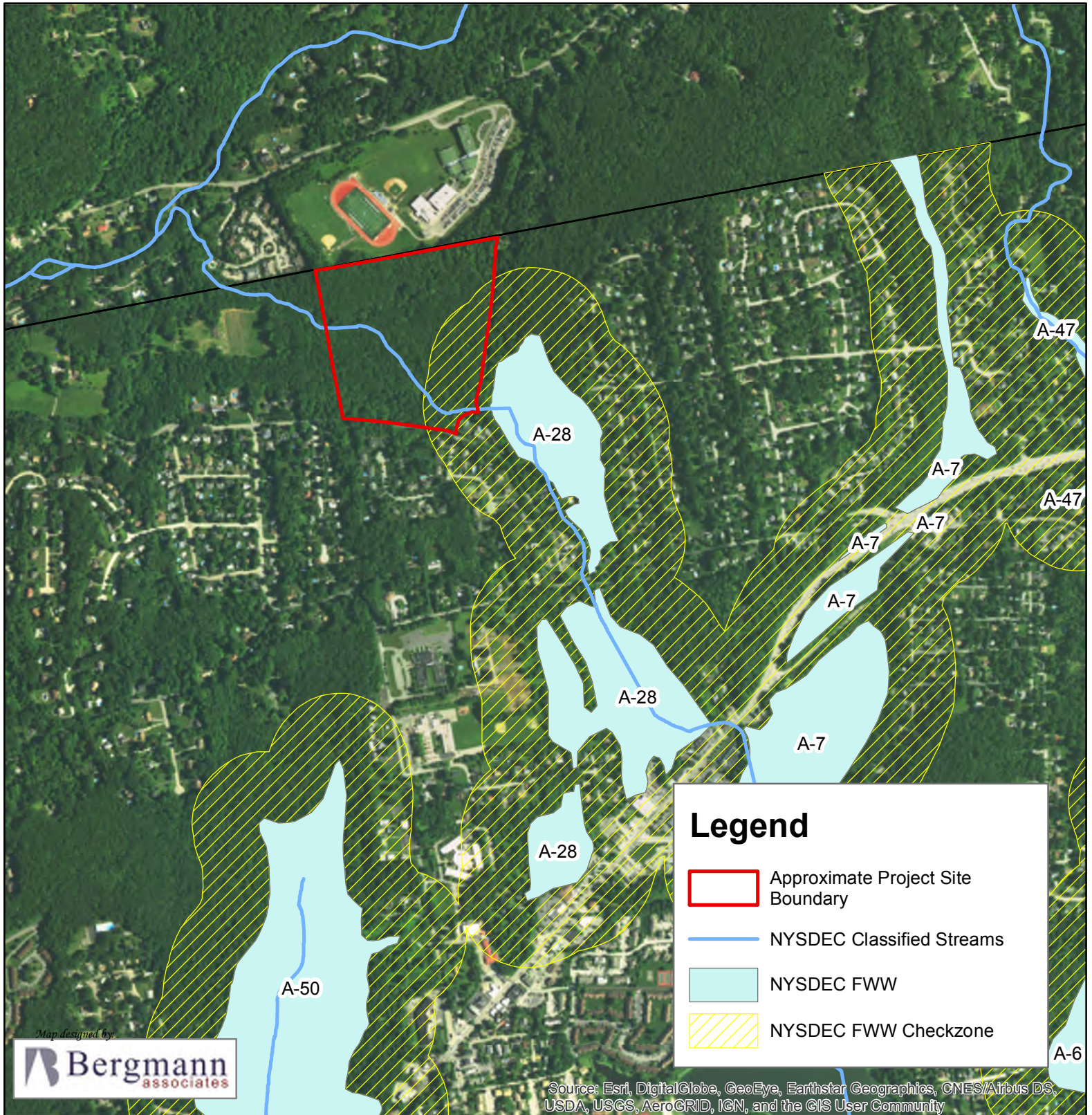
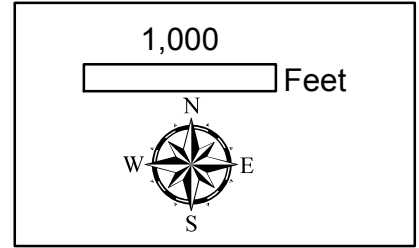

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Clean Energy Collective Yorktown Solar Farm Solar Site Assessment

Town of Yorktown
Westchester County, New York

NYSDEC FRESHWATER
WETLANDS MAP

Fig. 5



Legend

- Approximate Project Site Boundary
- NYSDEC Classified Streams
- NYSDEC FWW
- NYSDEC FWW Checkzone

Map designed by:
Bergmann
associates

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



APPENDIX A

Field Data Forms

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Yorktown City/County: Yorktown / Westchester Co. Sampling Date: 9/15/17
 Applicant/Owner: Clean Energy Collective State: NY Sampling Point: W 1-1
 Investigator(s): Rita Zack, Mike Robson Ph.D. - Bergmann Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): Floodplain Local relief (concave, convex, none): concave Slope (%): _____
 Subregion (LRR or MLRA): LRR - R Lat: 41.333922 Long: -73.859676 Datum: NAD 83
 Soil Map Unit Name: Charlton Loam 2-8% Slopes (ChB) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, optional Wetland Site ID: <u>Wetland 1</u>
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

<p>Wetland Hydrology Indicators:</p> <p><u>Primary Indicators (minimum of one is required; check all that apply)</u></p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Surface Water (A1)</td> <td><input checked="" type="checkbox"/> Water-Stained Leaves (B9)</td> </tr> <tr> <td><input type="checkbox"/> High Water Table (A2)</td> <td><input type="checkbox"/> Aquatic Fauna (B13)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Saturation (A3)</td> <td><input type="checkbox"/> Marl Deposits (B15)</td> </tr> <tr> <td><input type="checkbox"/> Water Marks (B1)</td> <td><input type="checkbox"/> Hydrogen Sulfide Odor (C1)</td> </tr> <tr> <td><input type="checkbox"/> Sediment Deposits (B2)</td> <td><input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)</td> </tr> <tr> <td><input type="checkbox"/> Drift Deposits (B3)</td> <td><input type="checkbox"/> Presence of Reduced Iron (C4)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Algal Mat or Crust (B4)</td> <td><input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)</td> </tr> <tr> <td><input type="checkbox"/> Iron Deposits (B5)</td> <td><input type="checkbox"/> Thin Muck Surface (C7)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7)</td> <td><input type="checkbox"/> Other (Explain in Remarks)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)</td> <td></td> </tr> </table>	<input type="checkbox"/> Surface Water (A1)	<input checked="" type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input checked="" type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<p><u>Secondary Indicators (minimum of two required)</u></p> <table style="width:100%;"> <tr> <td><input checked="" type="checkbox"/> Surface Soil Cracks (B6)</td> </tr> <tr> <td><input type="checkbox"/> Drainage Patterns (B10)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Moss Trim Lines (B16)</td> </tr> <tr> <td><input type="checkbox"/> Dry-Season Water Table (C2)</td> </tr> <tr> <td><input type="checkbox"/> Crayfish Burrows (C8)</td> </tr> <tr> <td><input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)</td> </tr> <tr> <td><input type="checkbox"/> Stunted or Stressed Plants (D1)</td> </tr> <tr> <td><input type="checkbox"/> Geomorphic Position (D2)</td> </tr> <tr> <td><input type="checkbox"/> Shallow Aquitard (D3)</td> </tr> <tr> <td><input type="checkbox"/> Microtopographic Relief (D4)</td> </tr> <tr> <td><input type="checkbox"/> FAC-Neutral Test (D5)</td> </tr> </table>	<input checked="" type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Drainage Patterns (B10)	<input checked="" type="checkbox"/> Moss Trim Lines (B16)	<input type="checkbox"/> Dry-Season Water Table (C2)	<input type="checkbox"/> Crayfish Burrows (C8)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	<input type="checkbox"/> Geomorphic Position (D2)	<input type="checkbox"/> Shallow Aquitard (D3)	<input type="checkbox"/> Microtopographic Relief (D4)	<input type="checkbox"/> FAC-Neutral Test (D5)
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Remarks:																																

VEGETATION – Use scientific names of plants.

Sampling Point: W 1-1

Tree Stratum (Plot size: <u>30' x 30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Acer rubrum</u>	<u>40</u>	<u>yes</u>	<u>FAC</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A) Total Number of Dominant Species Across All Strata: <u>5</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
<u>40</u> = Total Cover				
Sapling/Shrub Stratum (Plot size: <u>15' x 15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Acer rubrum</u>	<u>10</u>	<u>yes</u>	<u>FAC</u>	Prevalence Index worksheet: Total % Cover of: Multiply by: OBL species <u>2</u> x 1 = <u>2</u> FACW species <u>20</u> x 2 = <u>40</u> FAC species <u>50</u> x 3 = <u>150</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>72</u> (A) <u>192</u> (B) Prevalence Index = B/A = <u>2.67</u>
2. <u>Lindera benzoin</u>	<u>3</u>	<u>yes</u>	<u>FACW</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
<u>13</u> = Total Cover				
Herb Stratum (Plot size: <u>5' x 5'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Onoclea sensibilis</u>	<u>10</u>	<u>yes</u>	<u>FACW</u>	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. <u>Impatiens capensis</u>	<u>7</u>	<u>yes</u>	<u>FACW</u>	
3. <u>Osmunda spectabilis</u>	<u>2</u>	<u>no</u>	<u>OBL</u>	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
12. _____	_____	_____	_____	
<u>19</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>15' x 15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	_____	_____	Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Remarks: (Include photo numbers here or on a separate sheet.)

Sparsely vegetated

SOIL

Sampling Point: W 1-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3	10 YR 3/1	100					Organic	Decomposition
3-14	10 YR 3/2	100					Silty clay	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral (F1) (LRR K, L)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16) (LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

Linear Waters of the U.S. Field Classification Form

Whenever an ephemeral stream, intermittent stream, or perennial stream is identified on a project site, use this form to document field observations in support of the field interpreted stream classification.

Stream Feature: Mohegan Outlet **Watershed:** Hudson River

Field Observations (check all that apply and describe if applicable):

- Surface water flow within a defined channel Southeast to northwest
- Presence of Ordinary High Water Mark
(If OHWM is present, place a stake to mark its location) _____
- Water seeping from banks (or ice along banks in winter) _____
- Channel has a floodplain or observable bankfull bench _____
- Presence of fish or macroinvertebrates _____
- Primarily erosive features _____
- Recent sediment deposits or accumulations in channel Gravel bar near Foothill St culvert
- Algae growing on bed materials _____
- Rooted plants growing in channel bed At Foothill St culvert
- Hydric soils in sides of channel _____

Provide a detailed description for each (use additional space in remarks section if necessary):

Antecedent weather conditions ~ 70 degrees, sun

Position of channel within the drainage basin (high, middle, low)? low

Gradient of the channel (steep, moderately sloping, flat)? steep

Channel morphology (linear/meandering)? slight meader

Width of channel? 20' - 30' Height of bank? 4'-6'

Interpreted water table position above or below defined channel? Below

Bed materials (provide description of bed materials and indicate if different from surrounding ground surface):
Cobbles

Topographic map designation? Intermittent Perennial Not Mapped

Describe off-site conditions:

Is there development upgradient of channel? Residential

Any artificial structures (i.e. culvert, detention basin) regulating flow?
Foothill st culvert

Remarks:

DEC mapped wetland east of Foothill St. Culvert directing flow from wetland into Mohegan outlet

Based on observations, characterize the stream type (check one):

Ephemeral Stream Intermittent Stream Perennial Stream

Project Name: Clean Energy - Yorktown Date of Field Review: 09/15/17

Project Number: 12413.05 Field Reviewer: RZ, MR

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Yorktown City/County: Yorktown / Westchester Co. Sampling Date: 9/15/17
 Applicant/Owner: Clean Energy Collective State: NY Sampling Point: UPDP-1
 Investigator(s): Rita Zack, Mike Robson Ph.D. - Bergmann Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): None Slope (%): _____
 Subregion (LRR or MLRA): LRR - R Lat: 41.332846 Long: -73.861208 Datum: NAD 83
 Soil Map Unit Name: Charlton Loam 2-8% Slopes (ChB) NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

<p>Wetland Hydrology Indicators:</p> <p><u>Primary Indicators (minimum of one is required; check all that apply)</u></p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Surface Water (A1)</td> <td><input type="checkbox"/> Water-Stained Leaves (B9)</td> </tr> <tr> <td><input type="checkbox"/> High Water Table (A2)</td> <td><input type="checkbox"/> Aquatic Fauna (B13)</td> </tr> <tr> <td><input type="checkbox"/> Saturation (A3)</td> <td><input type="checkbox"/> Marl Deposits (B15)</td> </tr> <tr> <td><input type="checkbox"/> Water Marks (B1)</td> <td><input type="checkbox"/> Hydrogen Sulfide Odor (C1)</td> </tr> <tr> <td><input type="checkbox"/> Sediment Deposits (B2)</td> <td><input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)</td> </tr> <tr> <td><input type="checkbox"/> Drift Deposits (B3)</td> <td><input type="checkbox"/> Presence of Reduced Iron (C4)</td> </tr> <tr> <td><input type="checkbox"/> Algal Mat or Crust (B4)</td> <td><input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)</td> </tr> <tr> <td><input type="checkbox"/> Iron Deposits (B5)</td> <td><input type="checkbox"/> Thin Muck Surface (C7)</td> </tr> <tr> <td><input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)</td> <td><input type="checkbox"/> Other (Explain in Remarks)</td> </tr> <tr> <td><input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)</td> <td></td> </tr> </table>	<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Marl Deposits (B15)	<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<p><u>Secondary Indicators (minimum of two required)</u></p> <table style="width:100%;"> <tr><td><input type="checkbox"/> Surface Soil Cracks (B6)</td></tr> <tr><td><input type="checkbox"/> Drainage Patterns (B10)</td></tr> <tr><td><input type="checkbox"/> Moss Trim Lines (B16)</td></tr> <tr><td><input type="checkbox"/> Dry-Season Water Table (C2)</td></tr> <tr><td><input type="checkbox"/> Crayfish Burrows (C8)</td></tr> <tr><td><input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)</td></tr> <tr><td><input type="checkbox"/> Stunted or Stressed Plants (D1)</td></tr> <tr><td><input type="checkbox"/> Geomorphic Position (D2)</td></tr> <tr><td><input type="checkbox"/> Shallow Aquitard (D3)</td></tr> <tr><td><input type="checkbox"/> Microtopographic Relief (D4)</td></tr> <tr><td><input type="checkbox"/> FAC-Neutral Test (D5)</td></tr> </table>	<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Drainage Patterns (B10)	<input type="checkbox"/> Moss Trim Lines (B16)	<input type="checkbox"/> Dry-Season Water Table (C2)	<input type="checkbox"/> Crayfish Burrows (C8)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	<input type="checkbox"/> Geomorphic Position (D2)	<input type="checkbox"/> Shallow Aquitard (D3)	<input type="checkbox"/> Microtopographic Relief (D4)	<input type="checkbox"/> FAC-Neutral Test (D5)
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:																																
Remarks:																																

VEGETATION – Use scientific names of plants.

Sampling Point: UPDP-1

Tree Stratum (Plot size: <u>30' x 30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Acer saccharum</u>	<u>38</u>	<u>yes</u>	<u>FACU</u>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)														
2. <u>Tsuga canadensis</u>	<u>25</u>	<u>yes</u>	<u>FACU</u>															
3. <u>Acer rubrum</u>	<u>12</u>	<u>no</u>	<u>FAC</u>															
4. <u>Fagus grandifolia</u>	<u>7</u>	<u>no</u>	<u>FACU</u>															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
<u>82</u> = Total Cover				Prevalence Index worksheet: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: right;">Total % Cover of:</td> <td style="width:50%; text-align: left;">Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>12</u></td> <td>x 3 = <u>36</u></td> </tr> <tr> <td>FACU species <u>90</u></td> <td>x 4 = <u>360</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>102</u> (A)</td> <td><u>396</u> (B)</td> </tr> </table> <p style="text-align: center;">Prevalence Index = B/A = <u>3.88</u></p>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>12</u>	x 3 = <u>36</u>	FACU species <u>90</u>	x 4 = <u>360</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>102</u> (A)	<u>396</u> (B)
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FACW species <u>0</u>	x 2 = <u>0</u>																	
FAC species <u>12</u>	x 3 = <u>36</u>																	
FACU species <u>90</u>	x 4 = <u>360</u>																	
UPL species <u>0</u>	x 5 = <u>0</u>																	
Column Totals: <u>102</u> (A)	<u>396</u> (B)																	
Sapling/Shrub Stratum (Plot size: <u>15' x 15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status															
1. <u>Fagus grandifolia</u>	<u>15</u>	<u>yes</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)														
2. <u>Acer saccharum</u>	<u>5</u>	<u>yes</u>	<u>FACU</u>															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
<u>20</u> = Total Cover				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Definitions of Vegetation Strata: Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vines – All woody vines greater than 3.28 ft in height.														
Herb Stratum (Plot size: <u>5' x 5'</u>)	Absolute % Cover	Dominant Species?	Indicator Status															
1. _____	_____	_____	_____		Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>													
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
5. _____	_____	_____	_____															
6. _____	_____	_____	_____															
7. _____	_____	_____	_____															
8. _____	_____	_____	_____															
9. _____	_____	_____	_____															
10. _____	_____	_____	_____															
11. _____	_____	_____	_____															
12. _____	_____	_____	_____															
<u>19</u> = Total Cover																		
Woody Vine Stratum (Plot size: <u>15' x 15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status															
1. _____	_____	_____	_____															
2. _____	_____	_____	_____															
3. _____	_____	_____	_____															
4. _____	_____	_____	_____															
_____ = Total Cover																		

Remarks: (Include photo numbers here or on a separate sheet.)

Heavy deer browsing

SOIL

Sampling Point: UPDP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12	10 YR 3/4	100					Silt	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral (F1) (LRR K, L)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16) (LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (F21)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

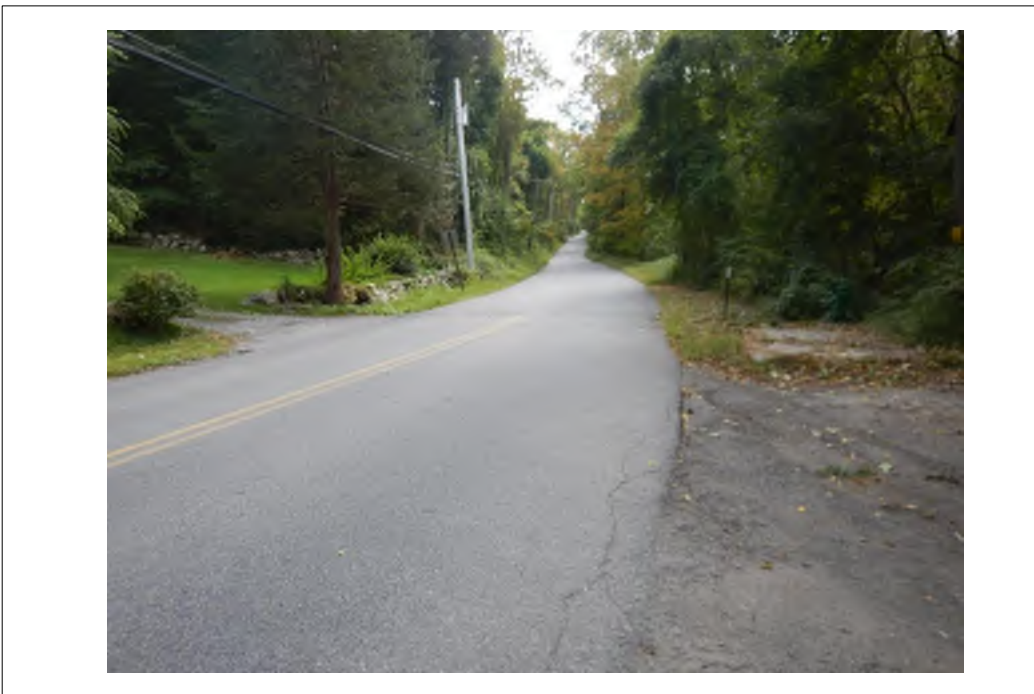


APPENDIX B

Representative Photographs



Facing North on Foothill St



Facing South on Foothill St





Rusted culvert with sediment found in North-Eastern corner of property



Old rock walls within the subject property





Northwest corner of the subject property, looking south.



Man-made trails throughout subject property





Northwest corner of the subject property, facing north.



Northwest corner of the subject property, facing south





Northwest corner of the subject property, looking south.



Woods throughout subject property.





Within subject property



Wetlands within subject property





Wetlands within subject property



Mohegan Outlet





Mohegan Outlet



Mohegan Outlet





Culvert within Mohegan Outlet



Mohegan Outlet





Mohegan Outlet, southeast edge of property looking north



Mohegan Outlet, southeast edge of property looking south





Facing West in Lockwood Road



Facing East in Lockwood Road





APPENDIX C

Threatened and Endangered Species Research



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

November 16, 2021

Consultation Code: 05E1NY00-2018-SLI-2074

Event Code: 05E1NY00-2022-E-01878

Project Name: Yorktown A Solar Farm

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the Services wind

energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Long Island Ecological Services Field Office

340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

Project Summary

Consultation Code: 05E1NY00-2018-SLI-2074

Event Code: Some(05E1NY00-2022-E-01878)

Project Name: Yorktown A Solar Farm

Project Type: POWER GENERATION

Project Description: Creation of a solar farm on existing parcel

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.33303187541901,-73.85947370639772,14z>



Counties: Putnam and Westchester counties, New York

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered

Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To:
Consultation Code: 05E1LI00-2018-SLI-0556
Event Code: 05E1LI00-2022-E-00646
Project Name: Yorktown A Solar Farm

November 16, 2021

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office

340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

New York Ecological Services Field Office

3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

Project Summary

Consultation Code: 05E1LI00-2018-SLI-0556

Event Code: Some(05E1LI00-2022-E-00646)

Project Name: Yorktown A Solar Farm

Project Type: POWER GENERATION

Project Description: Creation of a solar farm on existing parcel

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.33303187541901,-73.85947370639772,14z>



Counties: Putnam and Westchester counties, New York

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered

Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



Environmental Resource Mapper

Base Map: **Topographical** [Using this map](#)

Search

Tools

Layers and Legend

- All Layers
- Unique Geological Features
- Waterbody Classifications for Rivers/Streams
- Waterbody Classifications for Lakes
- State Regulated Freshwater Wetlands
- State Regulated Wetland Checkzone
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals

Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts



HMMH

700 District Avenue, Suite 800
Burlington, Massachusetts 01803
781.229.0707
www.hmmh.com

TECHNICAL MEMORANDUM

To: Eric Redding, P.E. – Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Copies: Joseph Shanahan – Con Edison Clean Energy Businesses

From: Christopher Bajdek and Emma Butterfield

Date: June 25, 2021

Subject: Operational Noise Levels from the Yorktown A Solar Farm in the Town of Yorktown, NY

Reference: HMMH Project Number 312480.000

1. Introduction

HMMH was retained by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) and Con Edison Clean Energy Business, Inc. (ConEd CEB) to conduct a noise study for the proposed Yorktown A Solar Farm on Foothill Street in the Town of Yorktown, New York. The objective of the noise study was to predict operational noise levels at selected locations in the community due to the battery energy storage system and ancillary equipment. This memorandum summarizes the applicable noise ordinance, presents the results of the noise modeling and operational noise assessment.

2. Town of Yorktown Ordinance

Section 300-81.5 G (7) of the Town of Yorktown, Code of Ordinances, addresses noise levels from battery energy storage systems and reads as follows:

“Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any nonparticipating residence and occupied community building. Applicants may submit equipment and component manufacturers’ noise ratings to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.”

3. Predicted Operational Noise Levels

3.1 Noise Prediction Model

The SoundPLAN® computer noise model¹ was used for computing operational noise levels from the proposed solar farm to the closest noise-sensitive receptors in the surrounding community. An industry standard, SoundPLAN® was developed by Braunstein + Berndt GmbH to provide estimates of sound levels at distances from specific noise sources taking into account the effects of terrain features including relative elevations of noise sources, receivers, and intervening objects (buildings, hills, trees), and ground effects due to areas of hard ground (pavement, water) and soft ground (grass, field, forest). In addition to computing sound levels at specific receiver positions, SoundPLAN® can produce noise contour graphics that show areas of equal and similar sound level.

¹ SoundPLAN® Version 8 was used for the computations. Documentation provided in [SoundPLAN® User’s Manual](#), Braunstein + Berndt GmbH, 2015. U.S. sales and support services are available via Navcon Engineering Network, Fullerton, CA (<http://navcon.com/www/sumpage/software/soundplan>)

The sound propagation model within SoundPLAN® that was used for this study was ISO 9613-2.² This international standard propagation model is used nearly universally in the U.S. for environmental noise studies, due to its conservative propagation equations. ISO 9613-2 uses “worst-case” downwind propagation conditions in all directions, and accounts for variations in terrain and the effects of ground type.

3.2 Noise Model Input

As input, SoundPLAN® incorporated a geometric model of the study area and reference noise levels for the battery energy storage system and ancillary equipment, which are the predominant sources of operational noise associated with the proposed project. HMMH developed a three-dimensional geometric model of the study area based on aerial photography obtained from ESRI for off-site buildings and structures, ground elevation data from a third-party source,³ and the site plan for the solar farm.⁴ All off-site buildings were modeled as objects that both obstruct (attenuate) and reflect the sound emitted from a source with a 1 dB reflection loss. The SoundPLAN® model included reflections of the 3rd order. HMMH included the following sources of project-related noise included in the model:

- Three Tesla Megapack battery energy storage systems;
- 19 Chint inverters with an A-weighted sound pressure level of 65 dBA at a distance of 1 meter; and
- One 2,000 kVA transformer with a NEMA TR-1 audible sound level rating of 61 dB.



3.3 Presentation of Results: Predicted A-weighted Sound Levels

Table 1 summarizes the computed A-weighted noise levels due to the battery energy system and the ancillary equipment at the closest noise-sensitive land use in the surrounding community, including the closest residence at 3900 Foothill Street and the Putnam Valley High School.

Figure 1 shows the noise exposure contours produced by the proposed project in 5-decibel intervals. This figure also shows the effects of buildings and structures on sound propagation from the transformers. As shown in this figure the 60 dBA contour lies within the property lines of the site of the proposed project.

Table 1. Predicted A-weighted Sound Levels from the Proposed Project

Receptor No.	Description	Predicted Facility Noise Level (dBA)	Land Use
R-01	3900 Foothill Street; west façade	53	Residential
R-02	3900 Foothill Street; south façade	52	Residential
R-03	Putnam Valley High School; south façade	47	School
R-04	Putnam Valley High School; south façade	47	School
R-05	Putnam Valley High School; fence	49	School
R-06	Putnam Valley High School; parking lot	47	School

Source: HMMH, 2021.

² International Organization for Standardization (ISO), International Standard ISO 9613-2, “Acoustics – Attenuation of Sound during Propagation Outdoors”, Part 2: General Method of Calculation, 1996-12-15.

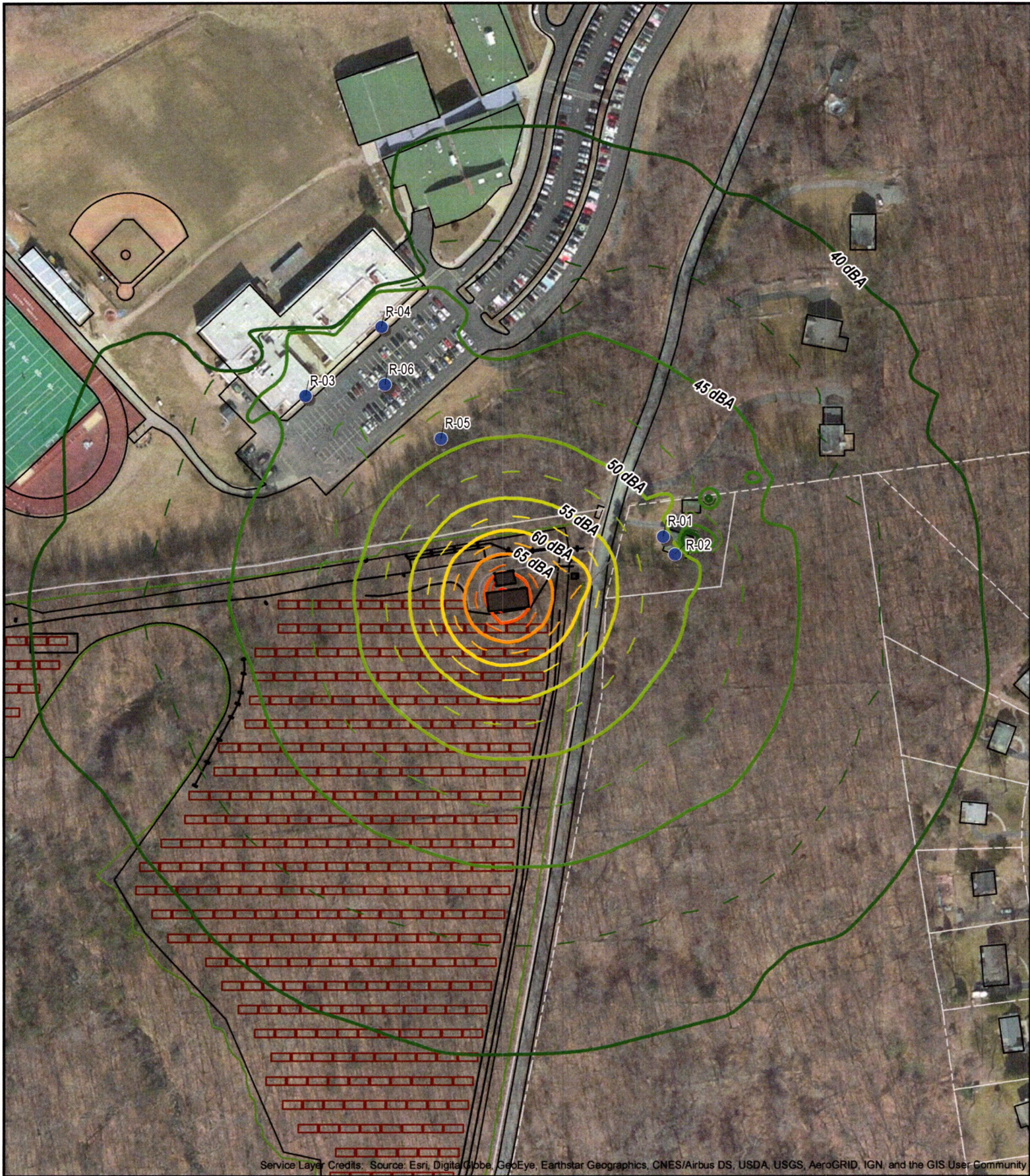
³ U.S. Geological Survey, 20210518, USGS Lidar Point Cloud NY_FEMAR2_Central_2018_D19 e1822n2249: U.S. Geological Survey.

⁴ “Yorktown A Solar Farm Site Plans – Foothill Street – Town of Yorktown,” prepared by Bergmann, October 27, 2020.

4. Conclusion









Based on the modeling results, the operation of the battery energy storage system (consisting of three Tesla Megapacks) and the ancillary equipment (19 Chint inverters plus one transformer) meets the Town's 60 dBA sound level limit at the closest noise-sensitive land use in the surrounding community.





Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

A-Weighted Noise Level (dBA)

- | | | | |
|--|----|---|----|
|  | 40 |  | 60 |
|  | 45 |  | 65 |
|  | 50 |  | 70 |
|  | 55 |  | 75 |



-  Receptors
-  Noise Sources



Figure 1:
A-Weighted Sound Level Contours
 due to the Yorktown A Solar Farm

Town of Yorktown, NY





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2017-AEA-8296-OE

Issued Date: 09/11/2017

Joe Shanahan
 Clean Energy Collective
 146 West Boylston Drive
 Suite 2
 Worcester, MA 01606

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Yorktown A
 Location: Yorktown, NY
 Latitude: 41-19-58.84N NAD 83
 Longitude: 73-51-33.94W
 Heights: 304 feet site elevation (SE)
 12 feet above ground level (AGL)
 316 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 03/11/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

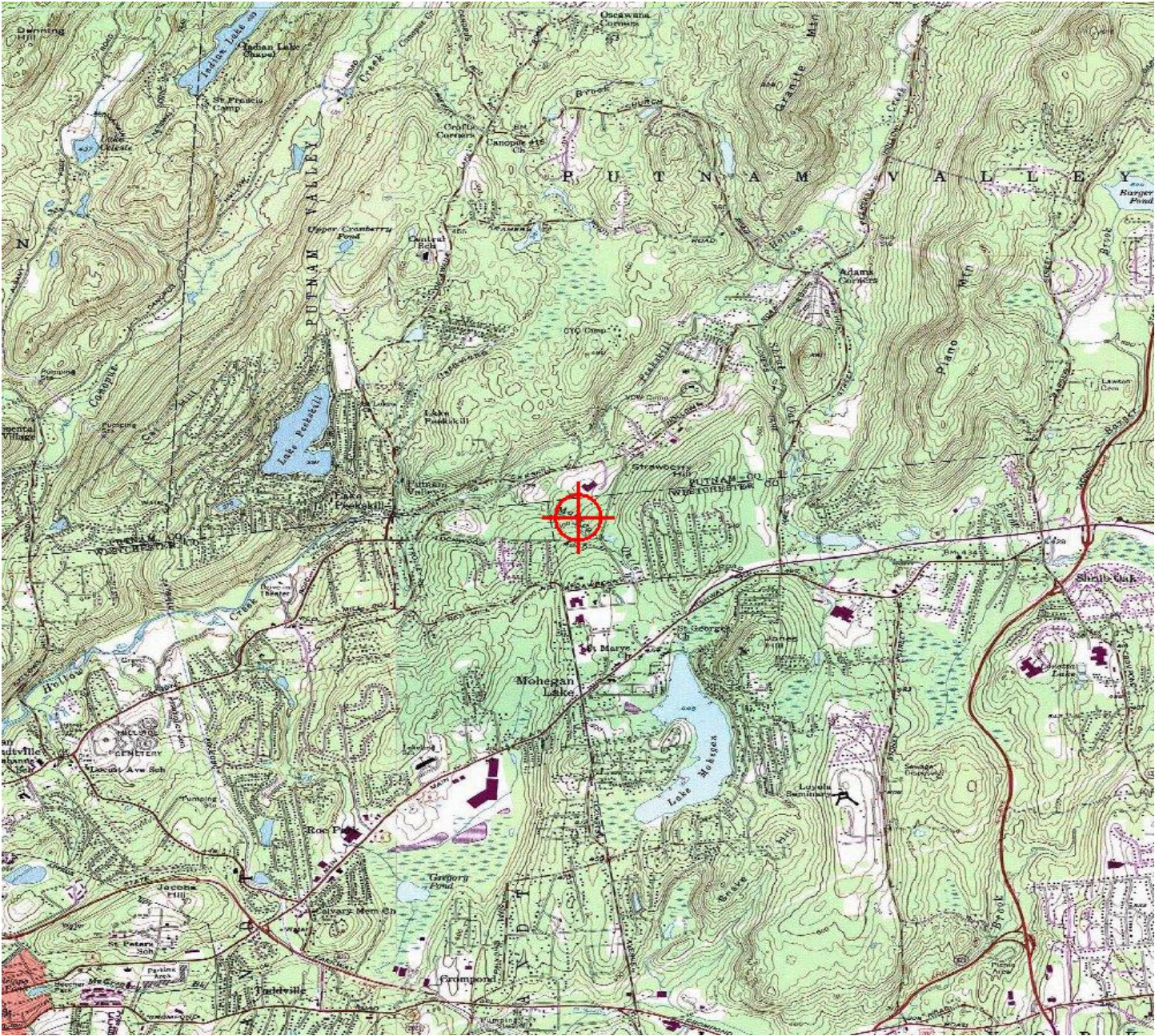
If we can be of further assistance, please contact our office at (817) 222-5932, or joan.tengowski@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AEA-8296-OE.

Signature Control No: 341467967-343392827

(DNE)

Joan Tengowski
Technician

Attachment(s)
Map(s)



November 1, 2021

Mr. John Teheder
Director of Planning
Town of Yorktown
Albert A. Capellini Community and Cultural Center
1974 Commerce Street
Yorktown Heights, New York 10598

Re: Yorktown A Solar Project
3849 Foothill Street
Yorktown, New York
Subj: Environmental Review for Foothill Street Solar Farm
File: 2478.001.001

Dear Mr. Teheder and Members of the Planning Board:

Barton & Loguidice, D.P.C. (B&L), has completed our initial Environmental Review for the above referenced community solar project. To date B&L has received the following documents for review and comment:

- The Full Environmental Assessment Form, signed October 20, 2020
- The Operational Noise Levels from the Yorktown A Solar Project, dated June 25, 2021
- The Yorktown A Solar Farm Site Plans, with the latest revision date as January 28, 2021
- The Storm water Pollution Prevention Plan, with the latest revision date as January 28, 2021
- The tree Inventory Reports, dated June 28, 2021
- The Westchester Country Planning Board Referral Review, dated November 13, 2020
- The Additional Comments to the Westchester Country Planning Board Referral Review, dated December 2, 2020
- Existing and Proposed Peak Discharge for the Storm Events, undated
- Decommissioning Plan and Cost Estimate Memo, dated April 23, 2021
- Wetland and Aquatic Resources Delineation Report, dated May 16, 2018
- Initial TCAC Comment on Proposed Solar Facility at 3849 Foothill Street, dated March 22, 2021
- Resolution by Putnam Valley Central School District in Opposition to Project, dated April 8, 2021
- Photo Simulations Day 1 to Year 5, undated
- Draft Mitigation Plan for Proposed Solar Project, Foothill Street, Yorktown, New York, Dated November 30, 2020
- Comparison to Previously Proposed Residential Subdivisions, dated March 12, 2021
- Board of Education Resolution Related to Proposed Yorktown Solar Farm, dated March 2, 2021



Project Description

Con Edison Clean Energy Business, Inc. (Applicant) is proposing the construction of a solar facility and associated electrical appurtenances on a single parcel located at 3849 Foothill Street in the Town of Yorktown. The solar photovoltaic (PV) system is proposed for installation within approximately 16 acres of the 34.23 acres of the site, with the rest remaining undeveloped.

The development will result in one 1.87-megawatts AC solar project. The PV systems will have a maximum height of the mounted panels being at 12ft tall.

This project is considered a large-scale ground mounted solar energy system by the Town Code and is allowed within the Residential Zoning District (R1-40) by a Special Use Permit subject to Planning Board review. B&L offers the following comments to the Planning Board for consideration in its review and recommendation to the Town Board.

Part 1 of the Long Form EAF

B&L has reviewed Part 1 of the Long Form EAF prepared by Bergmann on behalf of the Applicant, Con Edison Clean Energy Business, Inc. and we offer the following comments and questions:

Environmental Specific Comments:

1. Item B (Government Approvals, Funding or Sponsorship) – Should the Town’s conservation board be listed as an agency where approval is required due to presence of wetlands on the site?
2. Item D.1.h (Proposed and Potential Development) – Item h.v. Please replace ‘varies’ with approximate range for both height and length of the stormwater detention basin.
3. Item D.2.e (Project Operations) – Please ensure that the solar panels can be considered a pervious surface by complying with the requirements as stated in the New York State Department of Environmental Conservation Memorandum titled ‘Solar Panel Construction Stormwater Permitting/SWPPP Guidance’ dated February 21, 2020. Large amounts of surface runoff are not being captured on site before being discharged into streams and wetlands. The amount of runoff is changing due to replacing forested areas with grassy fields. In order to comply with the above stated requirements, the change in surface cover must be accounted for such that hydrology will not change between pre and post development conditions. If the panels cannot be considered pervious, adjust these numbers and the design accordingly.
4. Item E.1.b (Land Uses on and Surrounding the Project Site) – Item ‘Other’ describes Pervious Gravel. Ensure that this gravel can indeed be considered pervious.
5. Item E.2.c (Natural Resources On or Near Project Site) – The predominant soil types present on the project site (ChB and SuB, making up 79.90% of the site) are prime farmland. Avoid installation of solar rays on the most valuable productive farmland (provided in order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance.
6. Item E.2.o (Natural Resources On or Near Project Site) – Item o states that there are no endangered or threatened species on site, but subsequently lists two species. Please clarify whether endangered or threatened species are present on site or not.

7. Item E.3.b (Designated Public Resources on or Near Project Site) – As stated above in item 5 above, the predominant soil types present on the project site are prime farmland, and solar ray installation is to be avoided on the most valuable productive farmland.

General Comments:

8. Item D.1.b (Proposed and Potential Development) – Item b.b ‘Total Acreage to be physically disturbed’ is listed as 16.00± acres. In the Westchester County Planning Board Referral Review letters, page 1, it is listed as 15 acres. The Grading/SWPP Plan sheet (C003) also says 16.00 acres. Please ensure all documents are stating the same number, and that the number is accurate to the hundredth of an acre.
9. Item D.1.e (Proposed and Potential Development) – Item e.ii. ‘Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases’, Applicant answers “The project is divided into phases to avoid disturbing more than 5 acres at a time.” The applicant notes that the total number of phases anticipated is 3 phases. 5 acres times 3 phases is 15 acres total of disturbed area. Applicant states earlier (see item 8 above) that the total number of disturbed acres is 16.00 acres, which would therefore require at least 4 phases. Please clarify how many acres are being disturbed total, how many acres are being disturbed in each phase, and why.
10. Item D.1.g (Proposed and Potential Development) – Item g asks about the number and size of structures. Applicant notes ‘N/A’. The ground mounted solar panels are considered accessory structures and therefore this information should be filled out with number of panels and size/height of mounted panels.
11. Item E.1.b (Land Uses on and Surrounding the Project Site) – Item ‘Roads, Buildings and other paved or impervious surfaces’ Item ‘Forested’ states that 15.90 acres of forested area are to be removed, making the disturbed area now 15.90 acres. This does not match the acreage mentioned elsewhere (see items 8 and 9 above). All disturbance numbers must match on all documents and be accurate to the hundredth of an acre.
12. Item E.2.f (Natural Resources On or Near Project Site) – Note that static mounted solar panels shall not be placed on slopes greater than 25%.

Wetland and Aquatic Resources Delineation Report

B&L has reviewed the Wetland and Aquatic Resources Delineation Report prepared by Bergmann on behalf of the Applicant, Con Edison Clean Energy Business, Inc. and we offer the following comments and questions:

Environmental Specific Comments:

1. Page 6-7, 3.5 Threatened and Endangered Species Review – The Indiana Bat (endangered) and the Northern Long-eared bat (threatened) may occur within the project area. It is recommended that an official evaluation of the site be conducted to ensure that none of these species are present on site and that the final development will have no impact on said species. See also item 6 above under Part 1 of the Long Form EAF and adjust accordingly.
2. Page 8, 4.1 Wetlands and Aquatic Resources and 4.2 Uplands – The wetlands include various trees, as well as the upland area. Ensure that panel locations surrounding wetlands are accurate due to shading associated with untouched vegetation within the 100’ wetland buffer.

3. Figures, Wetland Determination Data From, Sampling Point W 1-1 – Prevalence Index worksheet is not filled out.

General Comments:

4. Page 3, Introduction – Site is listed as being 34.62 acres. In the EAF & WCPB letter, site is stated to be 34.23 acres. Please make sure all areas are matching in all letters.

Resolution by Putnam Valley Central School District in Opposition to Project

B&L has reviewed the Resolution by Putnam Valley Central School District in Opposition to Project prepared by Con Edison Clean Energy Business, Inc. to the chairman of the Planning Board and we offer the following comments and questions:

Environmental Specific Comments:

1. Page 1-2 – The letter discusses the reduction in stormwater runoff noting the use of the detention pond and bioretention area. These areas capture some of the runoff from the property, but leave other areas of the property free to runoff into existing streams and wetlands at an increased rate due to change in land cover. Please ensure that the proposed stormwater management practices will actually provide the required WQv and RRv for the entirety of the site, and if they do not, adjust plans accordingly.
2. Page 2 – The letter discusses the noise levels around the Wellness Trail not being affected by the project. This Wellness Trail is not shown or spoken of in the noise study. Please adjust the noise study to accurately show that the proposed activities will not be affecting the Wellness Trail.
3. Page 2-3 – The letter states that the panels will be 3' off the ground, but earlier in the letter says 12'. Please clarify height of panels throughout site and that wildlife will indeed be able to move throughout the site freely.

General Comments:

4. Page 2 – The letter states that the maximum height of the panels will be 12 feet. This information is not stated anywhere else. Please ensure this number is accurate, and if so, please present on plans.
5. Page 5 – States that the project will produce 1.87 MW AC of energy. The site plans say '1.90 MW'. Please ensure site plans match letter.

Board of Education Resolution Related to Proposed Yorktown Solar Farm

B&L has reviewed the Board of Education Resolution that includes the Evaluation of Proposal for the Solar Farm by Ed Vergano from Preferred Design and Construction, Inc. for the Putnam Valley Central School District. Overall, B&L is in agreeance with almost all of Mr. Vergano's findings and recommendations and the applicant is advised to read through this letter and comply with all of Mr. Veragano's requests. There are a few areas that B&L is not in agreeance with, and those are as follows:

1. This letter notes frequently the existing flooding conditions in the schools parking area. While this is unfortunate, as long as runoff to the existing lot is not being increased, this is not the

responsibility of the applicant. The applicants only responsibility is to match existing conditions, and if they can improve existing conditions that is preferable but not necessary. This is something that the applicant can agree to in order to move the project along faster but it is not necessary.

2. Page 3, Stormwater Runoff (SWPPP) – Mr. Vergano lists other issues for the designer to look at. Item 3 notes that the 50' buffer is an area that is intended to remain untouched. This statement is untrue. Unless some sort of agreement has been made between the school and the applicant, which can be argued for if that would keep the abutting properties happy, the 50' buffer is intended for structures only. As long as no solar panels are within this 50' buffer, the applicant is in compliance with the zoning laws.

Draft Mitigation Plan for Proposed Solar Project, Foothill Street, Yorktown New York

B&L has reviewed the Draft Mitigation Plan and agrees that this plan shows adequate mitigation measures to ensure the environmental health of the site and surrounding areas. B&L is interested in reviewing the final mitigation plan before acceptance. There is one comment:

1. The mitigation plan notes that the site does not require fire services. While it is unlikely, this site does include electrical equipment and it does not appear wise to state that the site will never need this service in absolute language.

Tree Inventory Report & Comparison to Previously Proposed Residential Subdivisions

B&L has reviewed the tree inventory report. B&L also reviewed the Comparison to Previously Proposed Residential Subdivisions letter that included the Greenhouse Gas Equivalencies Calculator. Additionally, B&L evaluated the site for the presence of core forests, as well as evaluated the site with a field walk for existing conditions.

A core forest is essentially a piece of a forest that is surrounded by more forest. Forest fragmentation is a significant problem today in the struggle to maintain biodiversity and shall be avoided at all costs. This property is not part of a core forest and therefore removing the forest in this area is not out of the question. The proposed alternative developments split the forest on property, and therefore promotes forest fragmentation to a greater extent than the solar development that will keep the development on one side of the property and decrease the impact to the length of the forest perimeter.

While the amount of tree removal is always to be minimized as much as possible, it is of B&L's opinion that when considering the alternative residential developments, the greenhouse gas equivalencies of the project long term, and the current state of forest, the forest removal for the solar farm is the best option.

Decommissioning Plan and Cost Estimate

A Decommissioning Plan has been created for this site by Normal E. Dupuis for the applicant. B&L has reviewed the plan and offers the following comments:

1. The decommissioning plan includes reseeded of the area with native species, but does not specify what. In the Resolution by Putnam Valley Central School District in Opposition to Project, page 2 states that "once the project is completed, almost all of the 15.90 acres disturbed to

construct the project will be returned to grass and meadow". The current site is composed of a lot of trees. If the detention basins are being filled in, and the site is being restored to grasses instead of forested area, the drainage conditions will be changed. The decommissioning plan must either replant trees in the amount and species of trees that are currently there, and/or maintain the existing stormwater mitigation measures to ensure runoff will not be changed.

Visual Analysis

A visual analysis has been conducted on this site via photo simulations. B&L has reviewed the visual analysis and agrees that there is sufficient screening of the solar farm, particularly after the 5 year mark. The visual analysis was also commented on by the Applicant in the Resolution by Putnam Valley Central School District in Opposition to Project on page 2. A formal write up specifically for the visual analysis is requested for final acceptance.

Glare Analysis

A glare study has not yet been completed for this site. It is recommended that a glare analysis be performed on the site in order to assess the potential effects of glare on motorists travelling near the location. The location should also be evaluated as to whether it is within proximity of an airport (< 5 miles) or on a flight path (< 18 miles) of an airport. The FAA solar guidance states that is the responsibility of local governments and solar developers in the vicinity of an airport to check with the airport sponsor and the FAA to ensure there are no potential safety or navigational problems with a proposed solar facility. The FAA should be notified and provided an opportunity to participate in review of the proposed activity and findings of the Glare Analysis. In order to provide a glare analysis, the applicant will need the following:

1. Locations and elevations of existing and proposed contours
2. Locations and elevations of existing and proposed trees and other landscaping
3. Locations and elevations of existing roads
4. Location of existing airports and flight paths

Noise Analysis

A noise study was conducted to assess the impacts of noise from the battery energy storage systems, the inverters and the transformer. The Town of Yorktown has a noise ordinance that prohibits the noise levels from exceeding 60 dBA outside of the wall of any non-participating residence or occupied community building. This study indicated that the 60 dBA contour for the operation activities lies within the property lines and therefore all activities are in compliance with the Town ordinance.

1. Please show the actual locations of all inverters and recalculate the decibels in relation to said locations. All inverters would not be placed where shown in Figure 1.
2. Please depict the Wellness Trail on the noise analysis and ensure that the proposed development will not affect the Wellness Trail.

Permitting Site Plans

In general, the submitted Plans and Documents should be reviewed against the following guidance documents and updated accordingly:

- NYSDAM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (Revised 10/18/2019)
- NYSDEC’s Memorandum on Solar Panel Construction Stormwater Permitting/SWPPP Guidance (Dated 02/21/2020)

A review of the plans in accordance with the NYSDAM Guidelines, dated 10/18/2019, will be completed when construction plans are further along. At minimum, the following elements should be addressed in accordance with the requirements of the NYSDAM Guidelines.

3. Include the following general notes on the construction plans:
 - a. The designated Environmental Monitor shall be on site whenever construction or restoration work is occurring on agricultural land and shall coordinate with the NYS Dept. of Ag & Markets, Division of Land and Water Resources, to develop a schedule for inspections and ensure compliance with the Department’s Guidelines for Agricultural Mitigation for Solar Energy Projects, revised 4/19/2018.
 - b. Topsoil sampling, stockpiling, spreading, seeding and site restoration is to be performed in accordance with the NYS Department of Agriculture & Markets Guidelines for Solar Energy Projects Construction Mitigation, revised 10/18/2019.
 - c. The Contractor shall notify Dig Safely New York prior to construction.
4. Add an underground electrical conduit trench detail. Indicate that the conduit or direct bury wires will be buried per NYSDAM guidelines: *All buried utilities located within the generation facility’s security fence must have a minimum depth of 18-inches of cover if buried in a conduit and a minimum depth of twenty-four inches of cover if directly buried (e.g. not routed in conduit).* See NYSDAM guidelines for utilities buried outside of the generation facility security fence.
5. Add a topsoil and vegetative restoration detail to the Plans. Indicate the proposed vegetative surface under the solar array panels.

The following elements should be addressed in accordance with the requirements of the NYSDEC Guidance, dated 02/21/2020:

6. Provide a detail and/or dimensions on the Plans depicting the panel spacing. The individual rows of panels should generally be spaced such that the vegetative area receiving runoff is equal to or greater in length than the disconnected surface (e.g., the width of the row of solar array).
7. Where feasible, solar panels constructed on slopes are to be installed along the contour so that runoff sheet flows downslope. Ensure sheet flow is maintained across the site (i.e., level spreaders to prevent channelized flow).
8. Site plans should include a scale and labelling of contours. Steep slopes (i.e., greater than 15% and 25%) should be identified on the plans, if applicable, and should be addressed with adequate protection (i.e., RECP or TRM).

Additional Environmental Specific Comments:

9. Where the slope exceeds 10% additional BMPs such as infiltration trenches or infiltration berms may be installed downgradient between each row. Refer to PA Stormwater BMP Manual, BMP 6.4.4: Infiltration Trench and BMP 6.4.10: Infiltration Berm and Retentive Grading for additional guidance.
10. Replace silt fence with compost filter sock.
11. Depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel is receiving an agricultural valuation. Avoid installation of solar rays on the most valuable productive farmland (provided in order of importance of current use: active rotational farmland, permanent hayland, improved pasture, unimproved pasture, other support lands, fallow/inactive farmland), especially when containing prime farmland soils or soils of statewide importance.
12. One tree proposed for planting as a buffer (Eastern Red Cedar) is not the preferred species as it is susceptible to blight and is not deer resistant. It is recommended to explore alternatives that are more deer resistant species such as spruces or pines.

General Comments:

13. Static mounted solar panels shall not be placed on slopes steeper than 25%. It appears that there are at least 3 racks currently that should be removed from plans to maintain this.
14. There currently does not appear to be any information on the plans regarding existing utility connection/proposed electrical equipment sizing and capacity.
15. Plans are currently not showing locations of inverters.
16. Grading/SWPPP Plan (C003) states "Yorktown A Solar Farm 1.9 MW". Please specify if this is AC or DC and if this number includes the panels to the left of the wetlands.
17. Please provide a table stating Type of panel, number of panels, wattage of panels, type of inverters, number of inverters, total number of wattage for DC and AC.
18. Please provide details/specs on type of panels, type of racks, type of inverters, and spacing between racks.
19. Add site distance at the access driveway.
20. Include a note on the Plans indicating maximum panel height (Yorktown zoning regulations state max height is 15 feet in residential zones and 20 feet in other zones).
21. Dimension access driveway length and turning radius. Verify sufficient access and turning movements for emergency vehicles.
22. Plans must be signed by a Professional Engineer or a Registered Architect.

Additional Information and Anticipated Permits/Coordination

In addition to the items noted in the comments above, B&L anticipates the following information and/or documents be submitted in support of the application:

23. PILOT Agreement, if applicable;
24. Confirm whether NYSERDA funding is being used for this project. For NYSERDA projects, the Applicant must submit the NOI to NYSERDA for referral to Ag & Markets. Provide determination of impact from NYSDAM, including acceptable mitigation options as appropriate.

25. An Operations and Maintenance Manual must be submitted, including a map indicating the limits of maintenance for the site Operator/Owner. The Plan should indicate what the future land use plans are for remaining portions of the property situated outside of the fenced solar array and responsibility for the maintenance of the various portions of the site (i.e., mowing, trimming, etc.). The O&M Plan should address the post-construction monitoring requirements per the NYS DAM Guidelines, dated 10/18/2019.
26. Submit correspondence from SHPO indicating that they have conducted their review of the subject property and reached a conclusion of "No Effect".
27. Provide a letter from the Mohegan Volunteer fire department acknowledging receipt of the Plans and verifying approval of proposed access for fire and emergency vehicles.
28. Provide equipment specification sheets and photos for all significant components of the proposed solar facility, including the mounting/tracking systems.
29. Local and State Permits, as required, including for work performed within the highway or right-of-way. Please note that utility poles, signage, parking, etc. should be located on private property and not within the ROW.

B&L is ready to provide an additional round of review once the above requested information is addressed and subsequent materials are submitted. An itemized response to the comments provided herein would be most efficient.

If you have any questions, please do not hesitate to contact me.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in blue ink, appearing to read 'Leigh G. Jones', is written over a light blue circular stamp.

Leigh G. Jones, PLA
Project Manager

NN/LGJ/jms

Par 3 Golf

TOWN OF YORKTOWN PLANNING DEPARTMENT

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

MEMORANDUM

To: Planning Board
From: Planning Department
Date: December 1, 2021
Subject: Valley Fields Golf Course *aka* Shallow Creek/Par 3

Introduction

This report is intended to advise on the status of the review of the subject project, to gain clarity on the benefits to stakeholders, the public, and the town, to inject a historical perspective of the land use and the regulatory regime, and to analyze the current regulatory aspects that need to be applied in this process.

Current Status

The project has been before the Planning Board since January 2020. It came to the Board for approval at the behest of the Town Board after several site planning and environmental issues became apparent as a result of complaints from members of the public. The complaints from the public revolved around work being conducted without permits, in particular wetland and tree permits. The project subsequently drew the attention of the New York State Department of Environmental Conservation (NYSDEC), and that department initiated an enforcement action against the project. While the cessation of work ordered by NYSDEC which was initially imposed has been lifted, the resolution of that action is not yet closed.

The Planning Board is charged with reviewing and approving a plan of development that will serve as a record of an approved scheme of construction, development, alterations, and operations, and to solve the site planning and environmental issues that arose out of the work being performed at the site. The application has been advanced to a degree in which landscaping, environmental, parking and other associated actions have been submitted and reviewed by the Board. While some questions remain, the application is relatively complete.

History

The subject project is borne of the Town's effort to revitalize and re-use the property as a nine hole golf course. Broadly, the project proposes improvements to the existing nine-hole layout and refurbishment of the clubhouse with minor additions thereto. The parking lot will be re-used largely as it exists with some minor modifications to improve its operation. In short, the project will resurrect the previously established course and provide continuity to a land-use that has existed for decades.

The golf course was first approved and established in 1966 and was created and operated by the property owner at the time, Conrad Martens (see Attachment A). Mr. Martens lived on or near the site, which was part of larger holdings contiguous to the instant parcel. According to the 2008 planning report authored by the former and first Director of Planning for the Town of Yorktown, Ray Arnold, the parcel, created in its present form by the construction of Route 6, was identified by the Town as a marginal parcel that nevertheless was important to managing drainage of the surrounding area. The course was continuously operated until approximately 2005-2006 and was transferred to Town of Yorktown ownership in 2007. The construction of Route 6 created the property in its present form, with 900 feet of frontage on Route 6 along a service road. Route 6 was designed as a limited access highway through this area which gave rise to the construction of the service road, which also functions as a commuter park and ride.

Historically, the property was in agricultural use prior to the establishment of the golf course and was fully cleared as open meadow/hay fields as can be seen in the aerial photos from the spring of 1926 (see Attachment B, Fig. 1). By 1954, the section north of the stream was in open meadow while the section south of the stream was unmanaged and was being re-colonized by tree growth (see Attachment B, Fig. 2). The aerial photograph dated May, 1970 shows the established golf course, some 4 years old, with the environs much as we see it today (see Attachment B, Fig. 3). Route 6 and the service road are constructed, however Route 6 is yet a two-lane road, the additional two lanes would not be constructed until some 20 years later. Six years after the Town took possession of the property the golf course is still in much the same configuration, having been maintained by the Town (see Attachment B, Fig. 4).

The watercourse that meanders through the golf course is evident in all the aerial photos herein included as Attachment B. This was the course of the Shrub Oak brook which flowed from east to west, draining the valley through which Route 6 and old Route 6, now East Main Street pass. The valley is formed by Indian Hill on the north and the rise of the plateau on the south upon which Gomer Street, Curry Street, and Old Yorktown Road traverse to the central part of the town. The property is mostly in wetland or wetland buffer and is part of the system through which the Strang wetlands and Osceola wetlands are drained. The watercourse once carried water westward from these systems as part of the Shrub Oak Brook. Sometime during or after the establishment of Route 6 and the golf course, the watercourse was diverted into a straight, constructed channel that follows the southern boundary of the property. The Planning Department was not able to ascertain when this was constructed, but an aerial from 1976 clearly shows the channel. Areas along its banks appear to be cleared, potentially pointing to its recent construction (see Attachment B, Fig. 5). The watercourse remained arcing through the subject property and now serves to drain areas created by the constructions of Route 6 and the Taconic State Parkway and flows eastward, in the opposite direction, to the head of the constructed diversion channel at the southeastern corner of the property.

During the period in which the Route 6 was first being constructed, the Town worked with Conrad Martens, to develop an appropriate use that recognized the importance of the property in the drainage of the area. As stated in Arnold's report, the Town was aware of and planning for the development of the valley and were cognizant of the importance of the role of the subject property in its drainage and flood attenuation properties that were critical to the area. The result was a recreational usage that left the land open for its natural function in this regard. The golf course was created as part of this collaboration and the zoning code was amended specifically to accommodate this use.

Town Project

Subsequent to the Town acquiring the property in 2007, the Town began actively pursuing an effort to define potential uses of the property. The Arnold report was commissioned in 2008 and it put forth several alternative uses and broadly discussed the viability of each. In 2011, the Town had solicited proposals from potential vendors to operate the site as a recreational venue. Two were under consideration, with one as a continuation of the previously established 9-hole course and the other as a facility with a variety of recreational uses such as miniature golf, driving range, laser tag, and others. RC Recreation Development, LLC was eventually selected to re-establish the golf course. The Town entered into the agreement in 2014. (see Attachment C). Rocco Cambareri, a local golf professional, was a partner in the venture, but died in 2017. The Town Recreation Commission was deeply involved along with the Town Board in the process to identify the appropriate use of the site and in the selection process. Both the Town Board and Recreation Commission determined that a recreational use is the most appropriate use as it offers the most flexibility in maintaining the drainage and flooding attenuation values of the site, while providing a needed recreation amenity in the golfing niche. Recreational golf has been expanding for a number of years, and the loss of the site as a golf course was not viewed as a favorable option. That, in combination with the longstanding historical use of the site, and the expectation that reestablishing the golf course would be the least disruptive to the site features and values aided in the decision of the Town Board to reestablish the golf course on this property.

Site Plan

The Town Board approved the project and vendor agreement with the understanding that the course would be reestablished in roughly the same configuration as existed at the site at the time of the agreement and which was largely unchanged since the original construction of the course in 1966. The clubhouse would be renovated and small additions would be constructed. The parking lot would be reused with necessary minor amendments. The construction to date has largely followed this general plan. The building has been renovated under building permits issued by the Town's building department. Earthwork has been ongoing at the entirety of the course. Work on the fairways has been predominantly maintenance and refurbishment activity, while the tees and greens have seen more extensive work in shaping, elevation, and size while largely remaining in existing locations. In 2019, the applicant commenced work at the site encompassing clearing and grubbing and other preparatory work on the fairways, tees, and greens. As part of this work, tree removal was performed which prompted the Town Engineer's involvement along with the Town Board and Recreation Commission. The Town Engineer also began monitoring the sitework that was continuing throughout 2019. As a result of issues arising out of the work during this period, the Town Board, requested that the Planning Board conduct a site plan review and approve a comprehensive plan of development to serve as a guide and record of the work satisfactory to the Town. The Planning Board began reviewing the project in January 2020. On March 3, 2020 representatives of New York State Department of Environmental Conservation (NYSDEC), conducted a site inspection and issued a Cease and Desist Directive. This was due to construction activity in state regulated wetlands, which dominate the site. The Town and applicant worked with the NYSDEC to resolve the permitting issues and the stoppage was lifted in July 2020 upon acceptance of a Stormwater Pollution Prevention Plan by NYSDEC. The Town continues to work with NYSDEC regarding the sitework and those issues that had arisen out of the work stoppage.

The site work associated with the fairways, tees and greens, has been designed and has been commencing in a manner that appears to have satisfied the concerns of the Planning Board during review. The parking lot

has been under review by the Planning Board since the acceptance of the application and has been designed in a manner that appears to have satisfied much of the concerns raised by the Planning Board during the review.

Wetlands

As was described above, the property has a watercourse that originates near the northwest corner of the property and flows southeast along the first fairway and then bisects holes 2, 3, and 4, subsequently emptying into the straight constructed channel that flows west, paralleling the southern boundary of the property. At the same origination point another channel is present at the western boundary of the site and generally follows that boundary. The Planning Department is not certain as to the direction of flow of that watercourse. These two watercourses historically were a part of the main channel of the Shrub Oak Brook prior to the construction of the straight channel along the southern property boundary. This channel diverts flow from the portion of the Shrub Oak Brook flowing from the eastern part of the valley along the southern boundary, and eventually underneath the Taconic State Parkway. As cited earlier, the channel is evident in aerials dating to at least 1976 (see Attachment B, Fig. 5). Its history is unknown, but it may have been constructed to benefit the golf course. This is not confirmed.

The watercourses described above, including the straight stream channel, are New York State regulated wetlands along with much of the lands contiguous to these watercourses. Together with the “State Regulated Wetland Checkzone,” or buffer, the property is entirely encumbered with state registered wetland or wetland buffer (see Attachment D). As described above NYSDEC did in fact enforce the regulations governing state registered wetlands when they issued the March 2020 Cease and Desist order and effectuated a remedy that satisfied the order.

The watercourse that traverses the site through the golfing area, and indeed all of the watercourses and channels described above, are also Town regulated wetlands and wetland buffers. They are classified as such in Chapter 178, Freshwater Wetlands of the Code of the Town of Yorktown meeting two separate criteria within section §178-6 (B). Under the wetland/ freshwater wetland definition, it describes a wetland as any area that is, by definition, a watercourse or waterbody. The second criteria that is met is for any lands and waters that meet the definitions provided in the New York State Freshwater Wetlands Act and as indicated on official freshwater wetlands maps promulgated by the Commissioner of the New York State Department of Conservation pursuant to said Act. The pertinent sections of §178-6 are reproduced here for convenience. The full chapter is attached as Attachment E. (See also Attachment D, a portion of the NYSDEC mapping found on the NYSDEC website).

§ 178-6 Definitions.

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WATERCOURSE

A running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.

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WETLAND/FRESHWATER WETLAND

Any area which meets one or more of the following criteria

- (1) Watercourses and waterbodies.
- (2) Lands and waters that meet the definition provided in § 24-0107.1 of the New York State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law). The approximate boundaries of such lands and water, are indicated on the official freshwater wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation pursuant to § 24-0301.5 of the Act, or such a map that has been amended or adjusted pursuant to § 24-0301.6 of Title 23 of Article 71 of the Environmental Conservation Law.
- (3) All areas greater than 1,000 square feet in area that comprise hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of hydrophytic vegetation as defined by the Federal Interagency Committee for Wetland Delineation, 1989, in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Washington, D.C., and adopted by the United States Army Corp of Engineers, United States Environmental Protection Agency, and the United States Fish and Wildlife Service

Please note that it is assumed that the lands contiguous to the watercourses also meet the third criteria listed above, being the presence of hydric soils and/or saturated by groundwater as the NYSDEC maps show the presence of wetlands beyond the banks of the watercourse on the property.

This classification as wetlands and wetland buffers under the Yorktown code subjects any work within these areas to permitting regulations contained therein. Section §178-9(B) lists the acts that are regulated under the code. The following acts are germane to the work associated with the subject project:

§ 178-9 Prohibited, regulated and permitted acts.

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- B. Regulated acts which require a permit. Except as provided in Subsection A, it shall be unlawful, in the absence of a specific written permit issued by, the approval authority, to do any of the following activities in any wetland or buffer area:

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- (2) Any form of draining, dredging, excavation, or removal of material either directly or indirectly.
- (3) Any form of dumping, filling or depositing of material, either directly or indirectly.

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- (6) Alteration or modification of natural features and contours.

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- (11) Within the same one-acre area, the cutting of more than three trees which are over eight inches in diameter at a point 4 1/2 feet from ground level within a twelve-month period.
[Amended 12-14-2010 by L.L. No. 16-2010; 7-7-2020 by L.L. No. 8-2020]

Please refer to the definitions of “deposit,” “fill,” “excavate” in Attachment E. In short, there has been

removal of material (i.e. any plant material or soils) during the work; there has been filling or depositing of material in the raising, lowering, or expansion of tee boxes and/or greens; there has been alteration of contours in the work just described above for tee boxes and greens and also fairway areas contiguous to the greens and or tee boxes; and there has been tree removal of more than three trees within a one-acre area.

This work requires compliance with the freshwater wetland regulations.

Trees

In February 2019, the applicant removed 90 trees that stood along the fairway edges and other areas in the interior of the site. On 26th of that month the Town became aware of the removal and conducted a site inspection in response to the removal. The Engineering Department verified that 90 trees were removed, with 23 of them diseased or dead (see Attachment F). At that time the Town began discussing measures to remediate the tree removals in the context of issuing permits under appropriate sections of the Town Code. This was precipitated by a resident inquiry. There were two code sections that regulated tree removals at the time, Chapter 178, Freshwater Wetlands, and Chapter 270, Trees. As noted earlier, the wetland code regulates tree removals of 3 or more trees within a one-acre area (the section above reflects the current code last revised in 2020, which modified the diameter threshold of protected status from six inches to eight inches). The removal of 67 protected trees, all 10 inches diameter or greater, were subject to this regulation. Chapter 270, Trees was also in effect at the time and regulated removals of 10 or more trees within an area of ten thousand square feet. The subject removals met that criteria and were subject to the regulation.

As earlier stated the wetland law was modified in 2020 and it is indicated herein the modification that has import to the subject project. To be clear, at the time of the removals, protected trees under the wetland law were trees of six inches diameter or more. Similarly, at the time of the subject tree removals, the chapter regulating trees was a different version than the chapter in place today. That version was adopted in 2016 (2016 tree code). During 2018 and 2019 a new, updated tree code was written, reviewed, subjected to a public vetting process, and eventually adopted, replacing the Chapter 270 that existed at the time of the subject removals in February 2019. The current law (2019 tree code) was adopted in December of 2019, some 10 months after the subject removals. Therefore, it is reasonable to consider the requirements and conditions that governed tree removals that were present at the time those removals were effectuated.

Two pertinent questions surrounding this issue have circulated. The first is whether, under the permitting requirements of the 2016 tree code (see Attachment G), mitigation is a hard requirement as it is in the 2019 tree code. When a tree removal permit was required under the 2016 tree code, section §270-8, Standards for Approval, cited that the approval authority **may** require mitigation using various measures, but it did **not require** mitigation. The need for mitigation was left to the approval authority's determination. The section, §270-8 (C), is reproduced here for convenience:

§ 270-8 STANDARDS FOR APPROVAL

In granting, denying or conditioning any application for a permit required by this chapter, the approving authority shall evaluate the proposed activity, its purpose, and available alternatives and shall determine that the impact of the proposed activity upon, including but not limited to, public health and safety, soil erosion, wildlife habitat, fire protection, and drainage, will not be detrimental and shall be in accordance with the following additional standards, considerations and conditions:

- A. Trees shall be felled so that erosion is avoided. All tree-cutting debris shall be kept at least 20 feet from all public roads and rights-of-way.
- B. Consideration shall be given to preserving protected trees where feasible and practical.
- C. **Mitigation measures. An applicant may be required by the approving authority to prepare and implement a tree replacement plan to offset the impacts of the proposed regulated activities.** The minimum size of replacement tree shall be not less than one-and-one-half-inch caliper or other determined by the approving authority. The mitigation measures shall not solely be determined by the size of the trees to be replaced but also by the function the trees provide in the location. Mitigation measures may also include but not be limited to installation of street trees, removal of invasive vegetation, removal of trees for public safety purposes, implementation of a forest management plan and installation of deer exclosures. If the approving authority requires payment of a fee to the Tree Bank Fund to satisfy the unmet portion of the tree replacement requirements, the applicant shall pay a fee in such amount as set forth by the approving authority

The second question is whether, under the permitting requirements of the 2016 tree code, tree removals were exempted from the requirements of the code if the trees removed existed on town-owned land. Section 270-5 which lists activities for which a tree removal permit is **not** required, states under paragraph 270-5 (H) as follows:

§ 270-5 PERMIT NOT REQUIRED

A permit under this chapter shall not be required for the following activities:

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H. Any removal of trees to be done by or on behalf of the Town of Yorktown.

Clearly, this section does not cite an exemption for trees that exist on Town owned land, but rather cites the exemption for removals that are “done by,” meaning the forces of the Town of Yorktown, or “on the behalf of the Town of Yorktown,” meaning completed by forces other than Town of Yorktown personnel but in the interest of, and as representative of, the Town of Yorktown. Clearly the removals were not effectuated by Yorktown personnel. Given that the Town was not notified of, nor consulted about, nor did it assented to the removals prior to the event, it follows that the tree removals were not “on the behalf of” the Town and therefore did not qualify for exemption from a tree removal permit under the 2016 tree code.

The conclusion here is that the subject tree removal was carried out under the 2016 tree code, which is no longer in effect. That law did **not** have a hard requirement for mitigation for tree loss nor did the law exempt the act for simply being on Town owned land. While it was subject to a permitting process, the requirement for mitigation would have been a question left to the determination of the approval authority. The unresolved issue is what, if any, measures should be taken to address the loss of trees. As cited herein, this property has been utilized as a golf course since 1966, continuously until 2007. After that the general environmental regime was maintained by the Town until the advent of the current project. The trees were protected trees by virtue of their size, but as they were maintained as separation and definition of the fairways of the golf course, they offered little function associated with a forested area. This distinction would have been, and is now, an important consideration in determining any measures addressing the loss of the subject tree removal. The Board, having the site plan under review, should consider the subject tree

removals in the context of the function of the golf course and not as an isolated event in which the loss is the only consideration.

Summary and Conclusions

The subject project is a Town sponsored project on Town-owned parkland. The Town, after taking possession of the property in 2007, conducted a thorough investigation to determine an appropriate use of the property. Beginning with the Ray Arnold report in 2008 and continuing through discussions with the Recreation Commission and an RFP process, the Town eventually concluded to continue the longstanding golf course use and entered into a license agreement with RC Recreation Development, LLC in 2014. The license agreement is an agreement to operate the course and the concession (see Attachment C). The Town Board and Recreation Commission, in initiating the project, expected that the golf course would be reestablished much in the same configuration as it has existed since its inception in 1966. Minor amendments to greens and tees, minor additions to the clubhouse building, and minor modifications to the parking lot were anticipated, and in large measure, these expectations are being realized. This project is not a significant development project that requires significant construction activities; installation of major infrastructure; conversion of vacant, naturalized land to developed, urbanized uses; changes in use or intensity that carry impacts not already experienced by the historic use of the site; or significant environmental alterations. It is in its essence a reestablishment of a longstanding use with minor upgrades to modernize the property and incentivize its attractiveness to potential users.

The Planning Board is tasked with producing an approved plan of development which will establish the physical and operational characteristics of the site. The plan of development should approve other subordinate permits necessary to effectuate the project as dictated by Town Code.

The issues of concern have revolved around setting an optimal plan for the parking lot; reducing and managing impacts to the environmental values of the site during construction and post construction; evaluating the modifications to the course which are largely respecting the greens and tees. The Board has worked through the parking lot design and the plan appears to exhibit satisfactory operational values. The Board has reviewed the minor modifications to the course, tees and greens, and those amenities do not appear to exhibit any significant negative values. The remaining open issues revolve around the environmental values of the site. Construction related environmental concerns have been satisfactorily addressed through the plan which was produced in connection with the NYSDEC action. Unresolved are the issues of tree removal, wetland impacts and mitigative measures, and overall landscaping plans.

Recommendations

The Planning Department, pursuant to the foregoing, makes the following recommendations:

Adopt a resolution approving a Site Plan. This approval should be based on the documents and data submitted by the applicant to date.

Approve and issue a Stormwater and Erosion Control permit. This essentially should mirror the requirements of the plan created in response to the NYSDEC action which revolves around erosion control during construction activities.

Approve and issue a wetland permit. The permit should be conditioned on the establishment of appropriate measures that will add protection and enhancement to the watercourse which traverses the course. The measures adopted should reference and require the measures submitted to the Planning Board, in sketch form. This information should be required to be transferred to a final landscaping plan. Note that land areas contiguous to these watercourses are shown on NYSDEC maps as wetlands. However, these lands have existed as managed turf as part of the play area of the golf course since 1966.

Approve and issue a tree removal permit. This should approve retroactively, the removal of 67 protected trees in February 2019. As the 2016 tree code, in place at the time of removal, did not have a hard requirement for mitigation, the Planning Department suggests that the issue of compensating for the loss of these trees be taken up under consideration of a final landscaping plan. The landscaping including tree planting should be considered and designed as enhancement to the values of the golf course. This should not be divorced from other landscaping such as shrubbery, flowering beds, and hedgerows as these elements work in concert to promote the effectiveness and experience of a golf course. Utilizing the applicant's submitted tree planting plan, which proposed 90 trees to be planted, the Board should require a minimum of 67 trees to be planted. This approach allows the flexibility of using the 90 locations as potential planting locations. The Board can, under its authority, require more be planted, but the Planning Department points out that the design values of the course should drive the number, location, and species of the tree planting scheme. The final landscaping plan should be submitted and approved by the Board once the final locations and other parameters are finalized.

Attachment A

Indian Valley Par 3 to open Sat.

SHRUB OAK — The Indian Valley Par 3 Golf Course will be open to the public Saturday morning at 7 a.m., announced Mr and Mrs Conrad Martens, owners of the picturesque Shrub Oak nine-hole layout. The course will be open seven days a week from 8 a.m. until dusk.

It will be the second full season of operation. The 2,520-yard course opened in June of '66. Last year the first full year of operation some 25,000 rounds of golf were played at the Par 3 — an increase of nearly 50 per cent from 1966.

THE MARTENS have been working feverishly since the last snow in order to get the course in tip-top playing condition for Saturday's opening. New trees and several pounds of grass have been added since last fall.

Connie, who retired from his insurance business to

devote all his time at the Par 3 after serving Yorktowners since 1936, said the course is in good shape overall. The greens, sown in Pentross Bent, are in excellent condition and the fairways are also in good shape. They are bound by tall trees on both sides, and while they are somewhat narrow, they are not too hilly.

THE COURSE, however, is no pushover. It makes for a challenging outing even for the low handicap players. Much of the lush greenery (formerly woods and swamp land) has been left in place and the primordial boggness of the 17-acre site provided the wherewithal for a number of tough water traps. This plus the narrow fairways, and many other traps, make the course a real test.

The holes were designed by a distinguished pro, Al Tull of Wilton, Conn., who has laid

a number of the better courses on the East coast. Tull also designed the well-known Par 3 in Bermuda. Dave Kelley of Lincolndate was the contractor.

FOR MOST golfers, almost every club in the bag can be used as the fairways range from 105 to 190 yards.

The air-conditioned clubhouse which was redecorated over the winter, will be ready by opening day as will the snack bar. The pro shop will furnish clubs and carts to rent, and will sell a full line of equipment as well.

IN SPITE of a raise in rates at most other public courses in the county last year, the Martens announced their rates will be the same as last year — \$1.50 for nine holes Monday through Friday — \$2 on Saturday, Sunday and holidays. There is a

charge of \$1 for an additional nine holes.

Martens announced that Indian Valley's annual low medal tourney will be held in September this year instead of October as in the previous two seasons. Garry Lundquist of Shrub Oak won the 1966 championship. Gary was runnerup to Peekskill's Wilbur Lawrence last year. Lundquist also holds the course record. Since the course opened there have been 21 holes-in-one.

RAY DIXON of Peekskill is the greenskeeper and Fred vonChlebowski will again run the snack bar.

Regular PGA rules will apply at the Par 3, plus some ground regulations laid down by Martens. Children under 14 must be accompanied by an adult, caddying is not permitted, each player must have a set of clubs and only players will be allowed on the course.

Attachment B



Aerial Photograph showing Par 3 Golf Course

Spring 1926

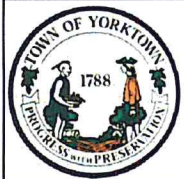
source: Westchester County Planning Department

— property boundary
— golf course property boundary
*property boundaries are shown for reference
and are current as of 2021*

YORKTOWN
PLANNING
DEPARTMENT

Date: October 1, 2021
Scale - none

Figure 1



Aerial Photograph showing Par 3 Golf Course

April 29, 1954

source: Westchester County Planning Department

— property boundary
— golf course property boundary
*property boundaries are shown for reference
and are current as of 2021*

YORKTOWN
PLANNING
DEPARTMENT

Date: October 1, 2021
Scale - none

Figure 2



Aerial Photograph showing Par 3 Golf Course

May 7, 1970

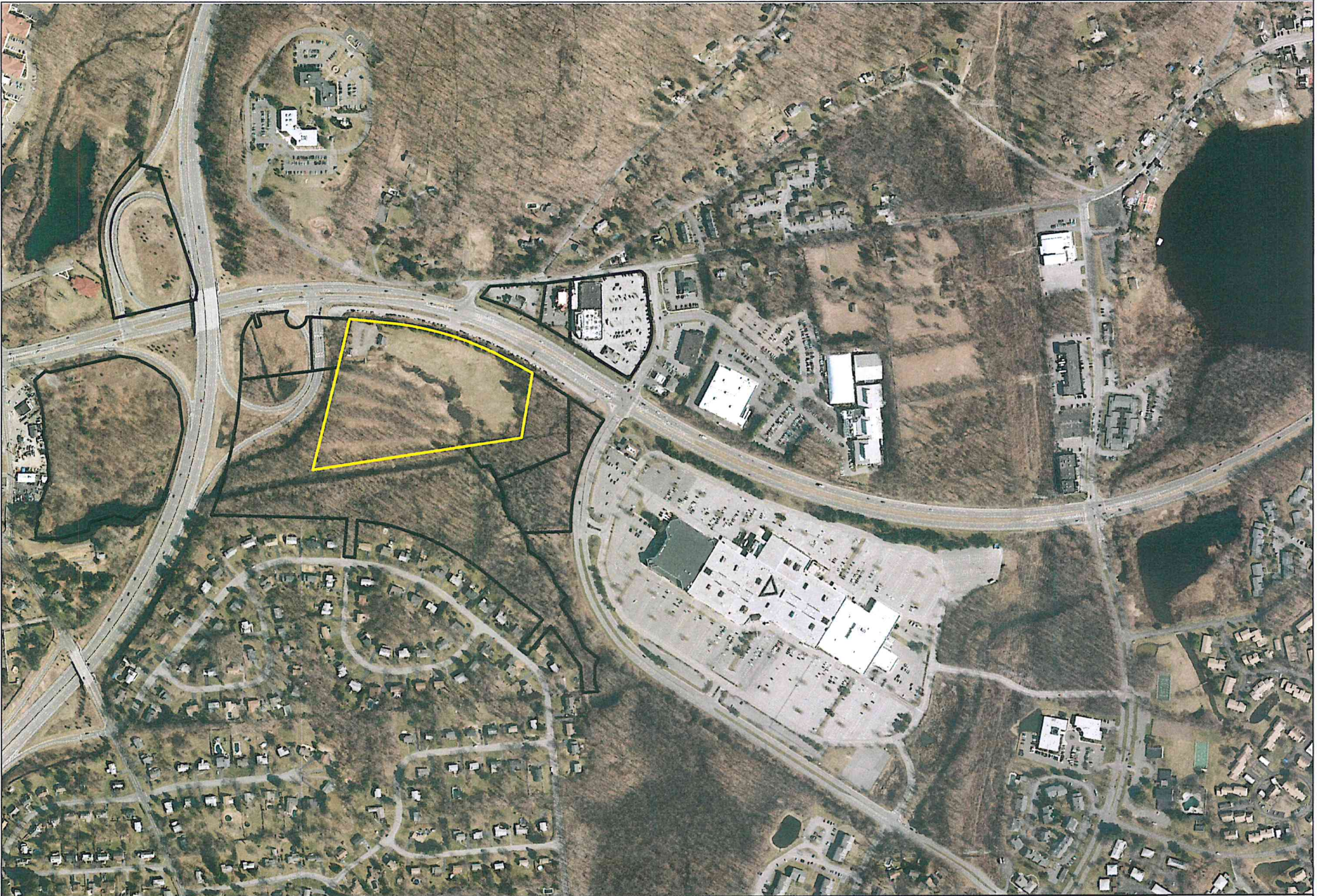
source: Westchester County Planning Department

— property boundary
— golf course property boundary
*property boundaries are shown for reference
and are current as of 2021*

YORKTOWN
PLANNING
DEPARTMENT

Date: October 1, 2021
Scale - none

Figure 3



Aerial Photograph showing Par 3 Golf Course

Spring, 2013

source: Westchester County Planning Department

— property boundary
— golf course property boundary
property boundaries are shown for reference
and are current as of 2021

YORKTOWN
PLANNING
DEPARTMENT

Date: October 1, 2021
Scale - none

Figure 4



Aerial Photo, 1976

Figure 5

Attachment C

Week 2014 2/1
9/14

CONCESSION AGREEMENT

THIS AGREEMENT made the 19th day of September, 2014, by and between the TOWN OF YORKTOWN, a municipal corporation of the State of New York, having offices at 363 Underhill Avenue, Yorktown Heights, New York 10598 (hereinafter referred to as the "Town"), and RC RECREATION DEVELOPMENT, LLC, a limited liability company organized and existing under the laws of the State of New York and having an office and principal place of business at 1760 Dogwood Drive, Yorktown Heights, New York 10598 (hereinafter referred to as the "Licensee").

WHEREAS, the Town desires to provide golf recreational facilities available to the public at the town-owned park located on the south side of Route 6 at the intersection of the Taconic Parkway, in Jefferson Valley, New York, in the Town of Yorktown (currently known as Shallow Creek Golf Course, to be renamed at a later date by the Town to "Valley Fields Golf Course," and referred to hereinafter in this Agreement as the "Park"); and

WHEREAS the Town desires to make food and beverages available for purchase by the public using the Park; and

WHEREAS, Licensee desires to operate said facilities in accordance with the terms contained herein, and has submitted a proposal to the Town which has been reviewed by the Parks and Recreation Commission and the Town Board;

NOW, THEREFORE, the parties hereto in consideration of mutual covenants, agreements, terms and conditions herein set forth do agree as follows:

1. License. The Town hereby grants to Licensee, and Licensee hereby accepts from the Town, a License to enter onto, use and occupy the premises at Valley Fields Park to operate a golf recreational facility concession for the public (referred to hereinafter as the "Golf Concession") and to operate a food concession for the accommodation of the public using the Park, in accordance with the terms and conditions contained herein (hereinafter the "Licensed Premises").
2. Services.
 - a. **GOLF:** Licensee shall provide management and maintenance services for the 9-hole golf course, grounds, maintenance building and surrounds, entrance and common areas.
 - b. **FOOD SERVICES:** Licensee shall provide food and beverage service to the public using the Park, and shall provide management and maintenance services for all food-related facilities.
 - c. **GENERALLY:** Subject to the terms of this Agreement, Licensee, as an independent Licensee, shall have the sole and exclusive right to perform all tasks required to operate and maintain the Licensed Premises. The Town and Licensee agree that they shall cooperate reasonably with each other to permit Licensee to fulfill its obligations under this Agreement. Licensee shall oversee, coordinate, organize, manage, direct, and facilitate the maintenance of the premises in a manner so as to maintain the Licensed Premises in a condition substantially better than the condition of the premises at the commencement of this License, as more particularly set forth herein. Licensee shall operate and maintain the

Licensed Premises in an efficient and business-like manner comparable to that of other quality daily-fee golf courses and food concessions in public parks in Westchester County and the Lower Hudson Valley.

3. **Term and Option to Renew.**

- a. This License shall commence on September 1, 2014 and shall expire on August 31, 2024, unless sooner terminated as provided in Section 13 hereof.
- b. This License may be renewed by the Town at its sole option, for two additional five-year periods, from September 1, 2024 to August 31, 2029, and from September 1, 2029 to August 31, 2034. The Town shall provide Licensee with notice of its exercise of the Option to Renew at least ninety (90) days prior to the expiration of the term of the License.
- c. Any property of the Licensee not removed prior to the expiration of the license shall be deemed abandoned by the Licensee, and the Town may either utilize the property, allow it to be utilized by others or remove the property, and any and all cost and expense incurred in the removal thereof shall be charged to the Licensee.

4. **License Fee.** For the privilege of operating this License, Licensee shall pay to the Town a food concession license fee and a golf concession license fee (hereinafter referred collectively referred to as the "License Fee"), as follows:

a. **Food Concession License Fee**

Period	License Fee Payable By Licensee to Town
September 1, 2014 - August 31, 2015	No Fee
September 1, 2015 - August 31, 2016	\$2,500
September 1, 2016 - August 31, 2017	\$5,000
September 1, 2017 - August 31, 2018	\$5,000
September 1, 2018 - August 31, 2019	\$7,500
September 1, 2019 - August 31, 2020	\$7,500
September 1, 2020 - August 31, 2021	\$10,000
September 1, 2021 - August 31, 2022	\$10,000
September 1, 2022 - August 31, 2023	\$12,500
September 1, 2023 - August 31, 2024	\$15,000
Annually thereafter if License is extended	\$20,000

The food concession license fee shall be payable to Town in twelve equal payments due on the first day of each month in advance.

b. **Golf Concession License Fee.** Commencing August 1, 2015, Licensee will pay to the Town:

- i. \$1.00 per paid greens fee.

- ii. \$1.00 per hand cart rental.
- iii. 50 % of net golf cart revenue.
- iv. 100% of gross revenue from sale of park permits to Town residents.

The golf concession license fee shall be payable to the Town on the fifteenth day of each month, based on the monthly gross revenues earned by Licensee in the previous month. The fee shall be based on the Licensee's records, as set forth in Section 5 of this License.

c. Additional Charges and Fees

- i. Licensee shall be solely responsible for and pay any sewer rents, utility charges and all fees and charges necessary for the operation of the food, refreshment and catering concession and golf recreational facilities, including, but not limited to electricity, garbage removal, gas, oil, telephone and water charges.
- ii. All costs, expenses and obligations of every kind relating to the Licensed Premises (except as otherwise specifically provided in this License) which may arise or become due during the term of this License, including, but not limited to, any and all taxes, water meter and sewer rents, and utility charges, shall be paid by Licensee without set-off, and Licensee shall indemnify the Town against such costs, expenses and obligations. Licensee hereby expressly waives any and all claims for compensation for any and all loss or damage sustained by reason of any defect, deficiency or impairment of any utilities serving the Licensed Premises including, but not limited to, electrical apparatus, electrical wires, water lines or plumbing lines.

5. Accounts. Licensee will maintain an accurate record of all transactions. Licensee shall keep the books of accounts and records of all operations and establish a system of bookkeeping and accounts in a manner considered to be generally acceptable accounting principles according to the American Institute of Certified Public Accountants, and shall permit inspection of said books and records by the Town as often as deemed necessary in the opinion of the Superintendent of Recreation and Parks ("Superintendent"). Licensee shall maintain all supporting records incident thereto including, but not limited to, tax reports, Federal and State tax returns, banking records, sales records, and cash receipts journals. All such books and records shall be retained and preserved by the Licensee for a period of thirty-six (36) months after the end of the calendar year to which they relate and shall be subject to inspection and audit by the Town and its agents at the Licensed Premises upon reasonable advance notice to the Licensee. The Licensee shall submit at the end of each year a certified copy of state sales tax filings and total revenues for the year. Without limiting the Town's rights pursuant to the above, Licensee, at its sole cost and expense, shall submit to the Town, no later than sixty days (60) days following the conclusion of each calendar year, an audited statement of its gross receipts for such year. The statement referred to in the preceding sentence shall be prepared by a certified public accountant. Licensee shall provide a customer receipt for all transactions. Licensee shall be responsible for payment of all sales taxes and any other business taxes required to be paid by law.

6. Licensee's obligations.

GENERAL:

- a. The Licensee, at its sole cost and expense, shall supply all fixtures and equipment required for the proper operation of this License. All such equipment shall comply with all applicable fire, electrical and safety codes and requirements. All such equipment is subject to approval of the Superintendent.
- b. Fixtures.
 - i. Licensee shall install any fixtures or equipment or make any improvements or alterations to the space assigned to the Licensee hereunder with the prior written consent of the Superintendent. Any installation of fixtures, or improvements or alterations, including but not limited to lighting, counters, and other permanent fixtures, shall immediately upon installation be deemed to be affixed to the realty and shall become the property of the Town.
 - ii. All fixtures and equipment shall be kept in good repair throughout the License term, and shall be replaced as needed, subject to the approval of the Superintendent.
 - iii. Licensee accepts all buildings, equipment, services areas, pavilions, and related areas, in situ on the date of execution of this License in "as is" condition based on their present existing condition. Licensee shall, at its own expense, make repairs or improvements necessary to utilize these facilities and areas.
 - iv. All repairs are the responsibility of the Licensee, including repairs required to maintain the structural integrity of any building. The Licensee shall obtain prior written consent of the Superintendent before performing any structural, plumbing or electrical repairs, and shall obtain permits as required for such work.
 - v. Licensee shall maintain the Licensed Premises in a clean and neat condition free from litter, trash and refuse. Licensee shall store all garbage and refuse originating from the License granted herein in closed receptacles, shall move all such garbage and refuse to a designated container as specified by the Superintendent, and shall fumigate, disinfect and deodorize the Licensed Premises as frequently as required to maintain the first class restaurant and golf course operation contemplated by the parties hereto.
 - vi. Licensee shall not improperly use or store on or about the License Premises, any toxic, hazardous, or flammable material, or any chemical, substance, matter, compound or thing which may pose a hazard to the safety of the premises or person thereon. Licensee shall not use or store on or about the premises any materials that are prohibited in the standard policies of fire insurance issued by fire insurance carriers license to do business in New York State. Licensee shall not dispose of hazardous materials on the premises or into any sanitary sewer or

other system on the premises, nor shall Licensee do or permit to be done anything which conflicts with the rules and regulations of the local Fire Department or which may pose a hazard to the adjoining portion of the premises. Licensee shall keep accurate spray and fertilizer records on a daily basis noting applicator, product applied, rate and treated area. Hazardous materials will be stored in the appropriate manner as required by state and federal regulations.

- vii. The Superintendent and any member of the Town Board, or their authorized representatives, shall be entitled to enter any space assigned to the Licensee hereunder for the purpose of inspecting, observing and monitoring any aspect of Licensee's operations. The Licensee shall also permit inspection of same by any federal, state, county, Board of Health or municipal officer having jurisdiction. The Licensee, at its sole cost and expense, shall promptly remedy any and all violations, for which it is responsible, issued as a result of such inspection.
- viii. If the Superintendent determines that any portion of the concession operation ("Operation") is not being operated in a safe or sanitary manner or if the appearance of any portion of the Operation is deemed unsatisfactory by the Superintendent, he may, at his discretion, order that concession be closed until such conditions are rectified to her satisfaction. If the Superintendent determines that there is any violation of any rules, regulations or policies of the Town or any violation of any local, state or federal law or regulation, the Superintendent may shut down all or any part of the Operation.

RESTAURANT

- c. Licensee shall establish and operate a restaurant at the Licensed Premises, subject to the approval of the County Board of Health.
- d. Restrooms in the restaurant building shall be open to the public using the Park. Restrooms shall be cleaned and serviced daily. Soap, paper towels and/or high speed air hand dryers, and toilet paper shall be provided in adequate quantity at all times.
- e. Licensee shall provide the Town with a waste management plan for all organic waste generated on the Licensed Premises, which shall be subject to the review and approval of the Parks and Recreation Commission or their designated representative.
- f. Licensee may impose reasonable restrictions on the consumption of food and beverages so as to protect the health and safety of the public and maintain the aesthetics of the restaurant and golf concessions.
- g. Food and beverage inventory shall be the sole property of Licensee during term of the License.
- h. Licensee shall keep drains clean and free of debris and grease. Licensee shall enter into an agreement with a qualified company for the removal of grease from the Licensed Premises.
- i. Licensee shall enter into an agreement for professional extermination services.

GOLF COURSE

- j. Fairways, Greens, Tees: Licensee shall perform mowing, aerating, topdressing, fertilizing, spiking, testing soil, and treating with pesticides and/or herbicides.
- k. Natural Areas, roughs, shrubs and trees: trim, maintain, and replace as necessary for appearance, protection from wind, and insect damage. Roughs and unimproved areas will be mowed in a manner to allow the player to locate his ball such that the speed of play is not adversely affected.
- l. Irrigation equipment (all equipment required to irrigate all areas of the golf course): Repair or replace all heads, pumps, valve controllers, wiring, and pipes as needed to maintain the proper operation of the entire golf course irrigation system (including greens, tees, fairways, planters, flower beds, and the like) on an on going basis. Leaks should be isolated and fixed as soon as possible within a twenty-four (24) hour period.
- m. Fences: Repair broken or damaged fencing on an as-needed basis. Repair or replace fences, gates, and locking devices needed for the protection of the golf course equipment.
- n. Paths and Sidewalks: Maintain all cart paths in a smooth condition and repair promptly as needed. All edges of sidewalks, patios and cart paths must be edged on a bi-monthly basis. Edging of above-ground irrigation, water and/or sewer fixtures and the like shall be done as needed to ensure that there is no obstruction of play from growth around these items.
- o. Sand Bunkers: Sand bunkers shall be edged as necessary to maintain a neat lip, raked and filled with fresh sand as needed to maintain a consistent floor depth on slopes and in the bottom of trap, if approved by the architect. Sand build-up and deterioration of edges or slopes shall be repaired promptly. Bunker surrounds will be mowed by hand or by riding mower depending on location and the severity of slope.
- p. Golf course equipment: Maintenance equipment and golf carts will be kept in clean, safe operating manner in accordance with manufacturer's operating manual. Preventative maintenance will be done in accordance with the manufacturer's schedule and an accurate log will be maintained of any work performed on a piece of equipment.
- q. Trash and Debris: Trash receptacles shall be conveniently stationed on tees and at the clubhouse and emptied daily and as many times during the day as necessary to insure there are no problems with insects and refuse odors.
- r. Lakes and bridges will be maintained in a safe manner free of debris.
- s. Water coolers on course will be filled daily and checked at least once per day and more often if necessary.
- t. Ball washers will be checked daily to ensure proper amount of soap and water are maintained.

- u. Property signage, including directional signs, tee signs and entrance signs, will be kept updated, clean and appealing to provide information to golfers and general public.
- v. Cutworms, chinch bugs, grubs, annual bluegrass weevil, and all other pests must be controlled according to the standards associated with a high end golf course. Insecticides shall be applied in a timely fashion as to provide acceptable turf conditions.
- w. Clubhouse and Garage: Lobbies and patios and public areas shall be vacuumed, dusted and swept daily. Structural areas and fixtures of all buildings shall be repaired as needed to ensure proper function and appearance and create a desirable appearance to patrons. These include, but are not limited to air conditioning units, power tools, appliances, hardware, building structures and fixtures; painting, carpentry, plumbing and electrical repairs; and porches, walks, parking areas, delivery areas, and entryways.

7. Structural Changes.

Licensee shall make structural changes, alterations, additions or improvements to the facility ("Structural Changes") with the written consent of the Superintendent. If such request is approved Licensee shall make Structural Changes entirely at its own cost and expense, and in compliance with all applicable laws, rules and regulations. Construction, materials and workmanship to make any Structural Changes shall be of the highest quality and equivalent to the specifications of the materials and workmanship employed for similar purposes throughout the facility; all materials shall be new and shall conform to all federal, state and municipal code requirements. The Licensee, at its sole cost and expense shall maintain, repair, and replace all improvements thereon, in a clean and new or like-new condition at all times, and shall maintain, clean, repair or replace same.

- 8. Quality and Price. (a) The Licensee warrants that all food, beverages, services, and merchandise ("Goods") shall be made available to the public at commercially reasonable prices for comparable facilities within the County of Westchester and further warrants that the Goods shall be of first quality and fit for the particular use intended. The Licensee shall submit to the Superintendent annually for approval, not less than thirty (30) days prior to the start of each operating season, a schedule containing the articles to be offered for sale and the prices to be charged therefor, and the Licensee may not offer any item for sale unless and until the list of items therefore have received the prior approval of the Superintendent. Any proposed changes to the pricing schedule or menu must be approved in writing by the Superintendent, which approval shall not be unreasonably withheld. A schedule of approved prices shall be printed and displayed, at the expense of the Licensee, in a conspicuous place and manner on the Licensed Premises at all times during the operation of this License. No cigarettes shall be sold.

9. Personnel.

- a. Licensee shall, as necessary to operate the concession in the manner required herein, recruit, hire, pay, supervise and discharge all employees. Employees of the Licensee shall be employees of Licensee and not of the Town. Independent contractors hired by Licensee shall have no privity with the Town, but must be approved by the Town prior to commencing any work on the Licensed Premises. All matters pertaining to the employment of such employees or independent contractors shall be the sole responsibility of the Licensee, and the Town shall bear absolutely no responsibility or liability therefore.

Licensee shall establish, administer, and maintain the payroll procedure and systems for Licensee's employees at the Licensed Premises, and shall be responsible for overseeing the benefits to, and handling the appropriate payroll deductions for, individual employees. Licensee shall fully comply with all applicable laws and regulations concerning workers' compensation, social security, unemployment, tax withholding and reporting, hours of labor, wages, working conditions and all other laws affecting or respecting the employment of such employees or independent contractors. The Licensee shall supervise and train its staff to perform their duties and to conduct themselves in an orderly and professional manner at all times. The Town has the right to require Licensee to remove from the premises any employee whose conduct is objectionable to the Town. Licensee shall not enter into any employment contract which purports to be on behalf of the Town, or which otherwise purports to obligate the Town in any respect.

- b. Crews: A full maintenance crew shall be on-duty at the course daily under the supervision of the golf course superintendent or his or her delegatee. The golf course superintendent and any delegatee shall have a current pesticide license and credentials approved by the Town.
 - c. Licensee shall employ a restaurant manager over 21 years of age, satisfactory to the Superintendent, to supervise and manage the operation of this License and sufficient to meet all requirements of this Agreement. Licensee shall employ a sufficient number of trained, knowledgeable personnel to insure the safe and proper operation of this License.
 - d. Licensee shall require its food service employees to wear appropriate uniforms or clothing and carry forms of employee identification as prescribed and approved by the Superintendent.
 - e. Licensee shall require its golf concession employees to wear appropriate uniforms and carry forms of employee identification as prescribed and approved by the Superintendent.
 - f. Licensee shall control the conduct and demeanor of its officers, agents, employees and invitees, and shall comply with all reasonable rules and regulations now or hereafter imposed by the Superintendent or the Parks and Recreation Commission. The Town reserves the right to amend or rescind any presently existing rules and regulations and to promulgate such new regulations as, in its sole discretion, may be deemed desirable for the safety, care and cleanliness of the Licensed Premises and the preservation of order at the Park. The operation of this License shall be conducted in an orderly and proper manner so as not to annoy, disturb or offend others using the Town's recreational facilities. Licensee shall immediately remove any of its employees, invitees or business guests who may be the cause of any objection with regard to demeanor or conduct reasonably made by the Superintendent.
10. Policies and Procedures. Licensee shall consult with the Superintendent with respect to use of the Licensed Premises including the establishment, implementation, and enforcement of policies and procedures intended to maintain the premises in a professional manner. Licensee shall establish and implement a written plan to reasonably address and respond to comments from residents and golfers, in a manner agreeable to the Town.

11. **Assignment.** Licensee shall not assign, sublet, subcontract or otherwise dispose of this License, or any right, duty or interest herein, without the prior written consent of the Town Board, nor shall this License be transferred by operation of law.
12. **Fire, Damage, Destruction.** In the event any portion of the Licensed Premises becomes unfit for use or occupancy due to damage by fire or other casualty, the Town may terminate the License to all or a portion of the Licensed Premises and the Town shall have no liability to Licensee hereunder. If the Licensed Premises are damaged by fire or other casualty, then unless the Town elects to terminate the License as provided in Section 13, Licensee shall repair and restore the Licensed Premises to the extent proceeds of casualty insurance are available for therefore and promptly after receipt of such insurance proceeds. There shall be no abatement of the License Fee in such event.
13. **Termination.** At any time prior to the expiration date of this License, the Town has the absolute right to terminate this License at will upon thirty (30) days prior written notice. In the event that Licensee defaults in the performance of any term, condition or covenant herein contained, the Town, at its option, in addition to terminating this License or in lieu thereof, has the right to seek damages, judicial enforcement or any other lawful remedy.
14. **Permits and Regulations.** Licensee hereby expressly represents and warrants that it is duly authorized to conduct business in the State of New York. Licensee shall, at its sole cost and expense, procure and maintain in full force and effect for the term of this License, all permits, licenses and approvals from all applicable governmental authorities. Licensee shall comply, at its sole cost, with all applicable federal, state and local laws, rules, regulations and orders including, but not limited to, the Labor Law, Workers' Compensation Law, State Unemployment Insurance Law, State, County and municipal health and sanitation regulations, Federal Social Security Law and all rules and regulations promulgated by the United States Department of Labor and/or the Labor Commissioner of the State of New York, the Occupational Health and Safety Administration (OSHA), the Public Health Law, the Westchester County Sanitary Code, and all amendments and additions thereto.
15. **Indemnification.** Licensee shall take all necessary precautions and place proper safeguards for the prevention of accident, and shall indemnify and save harmless the Town, its employees, officers and agents, from all claims, suits and actions and all damages and costs to which they may be put by reason or death or injury to all persons or property of another resulting from unskillfulness, willfulness, negligence or carelessness, or in guarding and protecting the same, or from any improper methods, materials implements or appliances used in its performance or construction, or by or on account of any direct or indirect act or omission or passive or concurrent negligent act or omission by the Town, or an of its employees, officer, or agents.
16. **Insurance.**
- a. Prior to entering the Licensed Premises, Licensee shall obtain, at its own cost and expense, the insurance from insurance companies licensed and admitted in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the Town of Yorktown ("Town"), subject to the approval of the Town. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Supervisor, Town of

Yorktown by registered mail, return receipt requested, for all of the following stated insurance policies. Any adjustments in the coverages set forth below will require the prior written approval of the Town. All notices shall name the Licensee and identify the Agreement.

- b. If at any time any of the policies required herein shall be or become unsatisfactory to the Town, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Town, the Licensee shall upon notice to that effect from the Town, promptly obtain a new policy, submit the same to the Town for approval and submit a certificate thereof. Upon failure of the Licensee to furnish, deliver and maintain such insurance, the Agreement, at the election of the Town, may be declared suspended, discontinued or terminated. Failure of the Licensee to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Licensee from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Licensee concerning defense and indemnification. All property losses shall be made payable to and adjusted with the Town.
- c. During the entire term of this License, Licensee shall, at its sole expense, maintain the following insurance on its own behalf, and furnish to the Town certificates of insurance evidencing same and reflecting the effective date of such coverage as follows:
 - 1) Commercial General Liability Policy, with limits of no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate for Bodily Injury and Property Damage, which shall not exclude coverage for:
 - A. Products/Completed Operations;
 - B. Independent Contractors;
 - C. Cross Liability (Commercial General Liability and Business Automobile Liability policies only).
 - 2) Automobile Liability: hired and non-owned liability coverage along with specific coverage for any owned or leased vehicles used at Licensed Premises in the amount of \$1,000,000 per occurrence for Bodily Injury and/or Property Damage.
 - 3) Worker's Compensation and Employers Liability Policy, New York statutory coverage. Worker's Comp C-105.2 form or CE-200 exemption form is required.
 - 4) Disability Insurance: New York statutory coverage. Provide DB-120.1 form, or, if exempt, a CE-200 form.
- d. The Town of Yorktown and its assigns, officers, employees, representatives and agents shall be named as an "Additional Insured" on the policy and the Certificate of Insurance shall show this applies to the General Liability coverage on the certificate. For items 1, and 2 above, ACORD certificate or equivalent required. The certificate of insurance shall provide that thirty (30) days written notice prior to cancellation or expiration shall be given to the Town of Yorktown.

- e. Any policy that lapses or expires during the term of the License shall be renewed, and proof of such renewal shall be sent by Licensee and received by the Town of Yorktown no less than ten (10) days prior to lapse or expiration of the original policy.
- f. The Town of Yorktown reserves the right to request copies of actual policies and endorsements to verify coverage.
- g. Each insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions.
- h. Tools and equipment: Licensee is responsible for insuring the value of Licensee's own tools, equipment, and materials brought, stored or operated at the Licensed Premises. The Town of Yorktown is not responsible if any of these items is lost, stolen or destroyed.
- i. All policies and certificates of insurance shall contain the following clause: Insurer shall have no right to recovery or subrogation against the Town, it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.
- j. The cost of furnishing the above insurance shall be borne by the Licensee; there will be no direct payment for this work. Cost will be deemed to have been included in the price bid or proposed for all scheduled items.
- k. All carriers listed in the certificates of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.
- l. Each policy of insurance shall contain clauses to the effect that such insurance (except professional liability insurance, if any) shall be primary without right of contribution of any other insurance carried by or on behalf of the Town with respect to the Town's interests and that such insurance shall not be cancelled, materially changed, or not renewed for any reason, including non-payment of premium, without ten (10) days prior written notice to the Town. The Town shall have the option, in its sole discretion, to pay any necessary premiums and charge the cost back to Licensee.
- m. Notwithstanding anything to the contrary in this License, Licensee irrevocably waives all claims against the Town for all losses, damages, claims, or expenses resulting from risks that are commercially insurable, but Licensee's provision of insurance coverage shall not in any way limit Licensee's liability under this Agreement.
- n. Failure to provide insurance, lack of insurance or inadequate limits of insurance does not limit in any way Licensee's obligations to reimburse injured parties.
- o. The insurance companies issuing the policy or policies shall have no recourse against the Town of Yorktown (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.
- p. Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Licensee.

- q. Any accident shall be reported to the office of the Superintendent as soon as possible and not later than twenty-four (24) hours from the time of such accident. A detailed written report must be submitted to the Town of Yorktown as soon thereafter as possible and not later than three (3) days after the date of such accident.
17. **No Lease.** It is expressly understood and agreed that no portion of the Licensed Premises, building, structure, equipment or space is leased to the Licensee, and the Licensee's privilege to use and occupy any space assigned to it for the operation of this License shall continue only so long as the Licensee remains in effect unless this License is terminated sooner pursuant to Section 13 hereof.
18. **Independent Contractor.** Nothing herein contained shall create or be construed to create a partnership between the Town and the Licensee or to constitute the Licensee as an agent of the Town. The Town and the Licensee each expressly disclaim the existence of such a relationship between them. The Licensee is an independent contractor and shall not hold itself out to be a Town agent or employee, nor shall any of its officers, stockholders, or employees make any claim for any such benefit, including, without limitation, pension or disability claim.
19. **Risk of Operation.** The Licensee assumes all risks in the operation of this License.
20. **Force Majeure.** Neither the Town nor the Licensee shall be deemed in breach of this contract if it is prevented from performing any of its obligations hereunder by reason of acts of God, public enemy, superior government authority, floods, riots, or other similar events beyond its reasonable control. The party claiming under this provision must take all reasonable actions to mitigate the impact of such action.
21. **Bankruptcy.** If at any time during the term of this License, any petition in bankruptcy shall be filed by or against the Licensee or if the Licensee shall be adjudicated a bankrupt; or if a Receiver shall be appointed to take possession of the Licensee's property; or if the Licensee shall make any assignment for the benefit of creditors, this License shall, at the option of the Town, immediately cease, terminate and expire. Nothing hereunder shall relieve the Licensee from any liability incurred under this License and the Licensee covenants and agrees to yield and deliver to the Town possession of the Licensed Premises promptly and in good condition on the date of the cessation of this License, whether such cessation be by termination, expiration or otherwise.
22. **Liens.** The Licensee will not create or permit to be created or to remain, and will discharge within thirty (30) days after notice of the filing thereof, any lien, encumbrance or charge (levied on account of any imposition, or any mechanic's, laborer's or materialmen's lien, or any mortgage, conditional sale, title retention agreement, security interest or otherwise) which may be or become a lien, encumbrance or charge upon the Licensed Premises (including any apparatus, equipment or devices), having priority over or parity with the estate, title, right and/or interest of the Town in the Licensed Premises or such equipment. The failure of the Licensee to discharge such lien shall be a breach of this License. In such event, the Town, in addition to any other right or remedy available to it, may discharge the encumbrance in such manner as it may deem advisable and any and all costs incurred by the Town including, without limitation, reasonable attorney's fees shall be charged to and paid by the Licensee as an additional license fee hereunder.

23. **Condemnation.** In the event that the Licensed Premises, or such a substantial portion thereof as to make the Licensed Premises untenable, are condemned for any public use, then in such event and upon the vesting of title in the condemnor, this License shall, at the option of the Town or the Licensee become null and void, and neither party shall have any liability to the other hereunder. However, Licensee may, at its option, appear in any such proceeding and file its claim for fixture damages and moving costs to the extent and in the manner authorized under the Eminent Domain Procedure Law.

24. **Condition of Licensed Premises.**

- a. Licensee acknowledges that it has inspected the Licensed Premises and the improvements, equipment, fixtures, and appurtenances thereon, that it relies solely upon such inspection, and that to the best of its capabilities it has found the Licensed Premises to be suitable for purposes of this License.
- b. Licensee hereby expressly waives any and all claims for compensation for any and all loss or damage by reason of any defects, deficiency or impairment of the plumbing or electrical apparatus or wires furnished for the Licensed Premises, or by reason of any loss resulting from fire, water, tornado, explosion, civil commotion or riot, and Licensee hereby expressly releases and discharges the Town, its officers, employees or agents from any and all demands, claims, actions and causes of action arising from any of the causes aforesaid.
- c. Licensee expressly acknowledges that the Town has not made any representation as to the condition of the Licensed Premises, or any improvements, equipment, fixtures or appurtenances situated at the Licensed Premises.

25. **Notices.** All notices of any nature referred to in this License shall be in writing and shall be deemed effective when delivered by hand or upon mailing by registered or certified mail, postage pre-paid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the Town:

Superintendent of Parks and Recreation
Town of Yorktown
176 Granite Springs Road
Yorktown Heights, New York 10598

With a copy to:

Town Attorney
Yorktown Town Hall
363 Underhill Avenue
Yorktown Heights, New York 10598

To the Licensee:

RC RECREATION DEVELOPMENT, LLC,

c/o Rocco Cambareli
1760 Dogwood Drive
Yorktown Heights, New York 10598

26. Remedies Cumulative. The failure of the Town to insist, in any one or more instances, upon strict performance of any term or condition herein contained shall not be deemed a waiver or relinquishment for the future of such term or condition, but the same shall remain in full force and effect. Acceptance by the Town of payment of any fee due hereunder with knowledge of a breach of any term or condition hereof, shall not be deemed a waiver of any such breach and no waiver by the Town of any provision hereof shall be implied.
27. Non-discrimination. The Licensee expressly agrees that neither it, nor any subcontractor, nor any other person acting on behalf of the Licensee shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this License, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Licensee acknowledges and understands that the Town maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.
28. Invalid Provisions. The invalidity of any provisions, articles, paragraphs, portions, or clauses of this License shall have no effect upon the validity of any other part or portion hereof, so long as the remainder shall constitute an enforceable agreement.
29. Construction. This License shall be construed and enforced in accordance with the laws of the State of New York. Westchester County, New York, shall be the venue for any disputes arising under this License. In the event of any ambiguity in any of the terms of this License, it shall not be construed for or against any party hereto on the basis that such party did or did not authorize the same. The use of headings is for the convenience of the parties and is not deemed part of the License.

30. Entire Agreement. This License and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

IN WITNESS WHEREOF, the Town and the Licensee have executed this License on the day and year above first written.

LICENSOR

TOWN OF YORKTOWN

By: 

Michael Grace, Supervisor

LICENSEE

RC RECREATION DEVELOPMENT, LLC

By: 

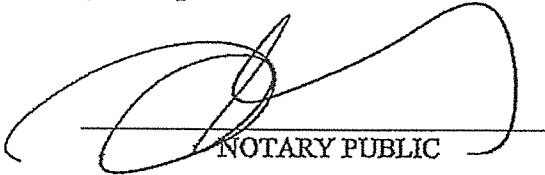
Rocco Cambareri, Member

Licensee Acknowledgment

STATE OF NEW YORK)
) ss.:
COUNTY OF Westchester)

On the 17 day of Sept in the year 2011⁴, before me, the undersigned, a Notary Public in and for said State, personally appeared

Rocco Cambaceris, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or person upon behalf of which the individual(s) acted, executed the instrument.



NOTARY PUBLIC

FRANK J. PETERS
Notary Public, State of New York
No. 02PE6219204
Qualified in Westchester County
Commission Expires May 1, 2018



EIN Assistant

Your Progress: 1. Identify 2. Authenticate 3. Addresses 4. Details 5. EIN Confirmation

Congratulations! The EIN has been successfully assigned.

EIN Assigned: 47-1854780
Legal Name: KC RECREATION DEVELOPMENT LLC

The confirmation letter will be mailed to the applicant. This letter will be the applicant's official IRS notice and will contain important information regarding the EIN. Allow up to 4 weeks for the letter to arrive by mail.

We strongly recommend you print this page for your records.

Click "Continue" to get additional information about using the new EIN.

[Continue >>](#)


Help Topics

[Can the EIN be used before the confirmation letter is received?](#)

EIN #
47-1854790

Attachment D

https://giservices.dec.ny.gov/gis/erm/ Environmental Resource M...
File Edit View Favorites Tools Help
Suggested Sites Web Slice Gallery Free Hotmail Welcome to the PLANTS ...

 Services News Government COVID-19 Vaccine

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Resource Mapper

Base Map: Topographical Using this map

Search

Tools

Layers and Legend

- All Layers
- Unique Geological Features
- Waterbody Classifications for Rivers/Streams
- Waterbody Classifications for Lakes
- State Regulated Freshwater Wetlands (Outside of the Adirondack Park)
- State Regulated Wetland Checkzone
- Imperiled Mussels
- Mussel Screening Pounded Waters
- Mussel Screening Streams
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals


Other Wetland Layers

Reference Layers

Tell Me More...


Need A Permit?

Contacts



0 300 600

-73.826, 41.327

 Agencies Services App Directory Counties Events Programs

Source: NYSDEC Environmental Resource

Attachment E

Chapter 178

FRESHWATER WETLANDS

GENERAL REFERENCES

Conservation areas — See Ch. 140.

Flood damage prevention — See Ch. 175.

Environmental quality review — See Ch. 161.

Land development — See Ch. 195.

Erosion and sediment control — See Ch. 165.

Zoning — See Ch. 300.

§ 178-1. Title.

This chapter shall be known as the "Freshwater Wetlands and Watercourse Protection Law of the Town of Yorktown." It is a chapter regulating the dredging, filling, deposition or removal of materials; diversion or obstruction of water flow; and placement of structures and other uses in the ponds, lakes, reservoirs, watercourses and wetlands in the Town of Yorktown.

§ 178-2. Enabling authority.

This chapter is enacted pursuant to the Municipal Home Rule Law and any and all applicable laws, rules and regulations of the State of New York; nothing contained herein shall be deemed to conflict with any such laws, rules or regulations.

§ 178-3. Findings of fact.

- A. In their natural state, wetlands serve a myriad of valuable ecological functions important to the public welfare. These functions include, but are not limited to, the following:
- (1) Protecting water resources by providing sources of surface water, recharging groundwater and aquifers, serving as chemical and biological oxidation basins and/or functioning as settling basins for naturally occurring sedimentation;
 - (2) Controlling flooding and stormwater runoff by storing or regulating natural flows;
 - (3) Providing unique nesting, migratory and wintering habitats for diverse wildlife species, including many on the New York State and Federal Endangered Species lists;
 - (4) Supporting unique vegetative associations specifically adapted for survival in low-oxygen environments;
 - (5) Providing areas of unusually high plant productivity which support significant wildlife diversity and abundance;
 - (6) Providing breeding and spawning grounds, nursery habitat and food for

various species of fish;

- (7) Serving as nutrient traps for nitrogen and phosphorus and filters for surface water pollutants;
 - (8) Helping to maintain biospheric stability by supporting particularly efficient photosynthesizers capable of producing significant amounts of oxygen and supporting bacteria which process excess nitrates and nitrogenous pollutants and return them to the atmosphere as inert nitrogen gas;
 - (9) Providing open space and visual relief from intense development in a rapidly growing area;
 - (10) Serving as outdoor laboratories and living classrooms for the study and appreciation of natural history, ecology and biology and serving generally, as an education and research resource;
 - (11) Providing recreation areas for hunting, fishing, boating, hiking, bird watching, photography, camping and other uses; and
 - (12) Controlling erosion by serving as sedimentation areas and filter basins, absorbing silt and organic matter.
- B. Trees and woodlands contribute to the health and functionality of wetlands through their vital role in helping to stabilize soil, reducing the risk of soil erosion and siltation in water courses and clogging of drainage channels. Additionally, tree roots provide channels which allow water infiltration, crucial to groundwater and reservoir recharge. Woodlands are especially important in carrying out these functions, not just because of the presence of trees, but because of the presence of canopy, shrub, and ground cover layers of vegetation. Therefore, protecting the integrity of woodlands and their valuable functions requires regulating the removal of any of these three layers in such communities. **[Added 7-7-2020 by L.L. No. 8-2020¹]**
- C. A significant amount of the town's wetland base has been lost or impaired by draining, dredging, filling, excavating, building, polluting and other acts inconsistent with the natural uses of such areas. The remaining wetlands are in jeopardy of being lost in a similar fashion.

§ 178-4. Legislative intent.

It is the intent of the Town of Yorktown that activities in and around wetlands and watercourses conform with all applicable building codes and other regulations and that such activities not threaten public safety or welfare, the natural environment, or cause nuisances by, but not limited to, the following:

- A. Impeding flood flows, reducing flood storage areas or destroying storm barriers, thereby resulting in increased flood heights, frequencies or velocities on other lands;
- B. Increasing water pollution through location of domestic waste disposal systems in

1. Editor's Note: This local law also renumbered former Subsection B as Subsection C.

wet soils; inappropriate siting of stormwater control facilities, improper and careless application and/or disposal of fertilizers, pesticides, herbicides and algaecides in a wetland or shore area; disposal of solid wastes at inappropriate sites; creation of unstabilized fills; or the destruction of wetland soils and vegetation serving pollution and sediment control functions;

- C. Increasing erosion;
- D. Decreasing breeding, nesting and feeding areas for species of waterfowl, shorebirds, fish and other forms of wildlife, including those rare and endangered to the extent that local population levels are affected;
- E. Interfering with the exchange of nutrients needed by fish and other forms of wildlife to maintain healthy, viable local populations;
- F. Adversely altering the recharge or discharge functions of wetlands thereby impacting groundwater or surface water supplies;
- G. Significantly altering the wetland hydroperiod and thereby causing either short- or long-term changes in vegetational composition, soils characteristics, nutrient recycling or water chemistry;
- H. Destroying sites needed for education and scientific research, such as outdoor biophysical laboratories, living classrooms and training areas;
- I. Interfering with public rights in navigable waters and the recreation opportunities provided by wetlands for fishing, boating, hiking, bird-watching, photography, camping and other passive uses; or
- J. Destroying or damaging aesthetic values, including significant public viewsheds and open space.

§ 178-5. Intent.

- A. It is declared to be the intent of the Town of Yorktown to control, protect, preserve, conserve and regulate the use of wetlands within the Town of Yorktown to ensure that the benefits found to be provided by wetlands as set forth in § 178-3 hereof will not be lost.
- B. These regulations are enacted with the intent of providing a reasonable balance between the rights of the individual property owners and the public interest in preserving the valuable functions of wetlands.
- C. It is the intent of this chapter to incorporate wetlands protection into the town's land development regulations.
- D. It is the goal of the Town of Yorktown to achieve no overall net loss of the town's remaining wetland resources, including wetland buffer areas. Moreover, it is the long term goal of the Town to increase the quantity and quality of the town's wetlands resources in terms of type, functions, geographic location and setting and size.
- E. It shall be the policy of the Town of Yorktown to develop an official watercourse

map to be used to delineate all watercourses, as defined herein, located within the town's boundaries. The Town Engineer and Conservation Board shall develop this map as permits required herein are processed and watercourses are delineated.

- F. During the introductory stages of the no-net-loss policy, it shall be the intent of the Town of Yorktown to regularly monitor the success of mitigation plans implemented to meet the goals of this policy. The Conservation Board shall, on a yearly basis, provide the Town Board with a report assessing the viability of wetlands created or restored under the no-net-loss policy. The Town Board shall review such report to determine whether further regulation is necessary to assure the success of wetland mitigation in the Town of Yorktown.

§ 178-6. Definitions.

- A. Except where specifically defined herein, all words used in this section shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular.

- B. As used this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE PERMIT — A permit issued by the Town Engineer for the conduct of regulated activities in wetlands or buffer areas where such conduct of regulated activities is limited in scope and limited in potential impact as determined by this chapter.

AGRICULTURE — Cultivating and harvesting products, including fish and vegetation, that are produced naturally in freshwater wetlands, and installing cribs, racks and other in-water structures for cultivating these products, but this does not include filling, dredging, peat mining or the construction of any buildings or any water regulating structures, such as dams. **[Amended 7-7-2020 by L.L. No. 8-2020]**

APPLICANT — Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof, who has a request for a permit to conduct a regulated activity before the approval authority or who has an application pursuant to §§ 178-10 through 178-16 of this chapter before the Town Board.

APPROVAL AUTHORITY — The administrative board or public official empowered to grant or deny permits under this chapter, to required posting of bonds as necessary and to revoke or suspend, a permit where lack of compliance to the permit is established. The approval authority shall be: **[Amended 2-15-1994 by L.L. No. 6-1994; 12-21-2004 by L.L. No. 24-2004]**

- (1) The Planning Board of the Town of Yorktown for permit applications relating to regulated activities that:
- (a) Also require site plan, subdivision, parking plan or amended parking plan approval by the Planning Board, except as specified in Subsection B(1)(b) and (c) below. Notwithstanding the foregoing, the Planning Board shall have no power to act as approval authority under the provisions of this chapter, except in conjunction with final site plan, subdivision, parking plan or amended parking plan approval or except as

hereinafter provided;

- (b) Are proposed to be conducted on lots or parcels of land which have received preliminary or final subdivision or site plan approval, provided that no certificate of occupancy has been issued for such lot or provided that the improvements as set forth in Chapter 195, Land Development, have not been completed; or
 - (c) Have received site plan, parking plan or amended parking plan approval, provided that the improvements shown on the plan or otherwise required have not been completed.
 - (d) Are substantially related to the activities described in subparagraphs 1(a) through 1(c) above and that are to occur on lands that are outside the boundaries of but proximate to the particular lot, parcel, piece or tract of real property which is the subject matter of the site plan, parking plan or subdivision being approved by the Planning Board.
- (2) The Town Engineer of the Town of Yorktown for permit applications relating to regulated activities permitted with an administrative permit as specified in §§ 178-10 through 178-16 of this chapter, subject to the limitations placed upon the Town Engineer's authority to deny such applications as set forth in § 178-6A(2)(3) of this chapter.
- (3) The Town Board of the Town of Yorktown for all permit applications not covered by Subsections B(1) or (2) above.

BOUNDARY OF A WETLAND — The outer limit of the soils, or hydrology, or vegetation, or any combination thereof, as defined under "wetland/freshwater wetland."**[Amended 1-6-1998 by L.L. No. 1-1998]**

BOUNDARY OF A WETLAND — The outer limit of the soils, hydrology and/or vegetation as defined under "wetland/freshwater wetland."

CONSERVATION BOARD — The duly appointed Conservation Board of the Town of Yorktown as created pursuant to § 239 of the General Municipal Law.

DAMS AND WATER CONTROL MEASURE — Barriers used, or intended to, or which, even though not intended, in fact do, obstruct the flow of water or raise, lower or maintain the level of water.

DATE OF RECEIPT OF APPLICATION BY APPROVAL AUTHORITY — An application shall be deemed received by the approval authority on the date of the first regular meeting of the approval authority following the filing of the application and supporting plans pursuant to the provisions of the law.

DEPOSIT — To fill grade, discharge, emit, dump or place any material or the act thereof.

DISCHARGE — The emission of any water, substance or material into a wetland, watercourse or their buffers, whether or not such substance causes pollution.

DOMINANT(S) OR DOMINANCE — The spatial extent of a species; commonly the most abundant species in each vegetation stratum that, when ranked in descending order of abundance and cumulatively totaled, immediately exceeds 50%

of the total dominance measure (e.g., area cover or basal area) for the stratum, plus any additional species comprising 20% or more of the total dominance measure for the stratum.

DRAIN — To deplete or empty of water by drawing off by degrees in increments.

DREDGE — To excavate or remove sediment, soil, mud, sand, shells, gravel or other aggregate.

ECOLOGIST/BOTANIST — A person having special knowledge by reason of education and work experience of the physical, chemical and biological sciences related to the physiology, identification and distribution of native plants and vegetative associations in wetland and upland systems and of methods to describe, classify, and delineate vegetative species and associations to a degree acceptable to the Conservation Board and to the approval authority.

EMERGENCY — An event which presents an immediate threat to life, health, property or natural resources. **[Added 5-4-2004 by L.L. No. 13-2004]**

EXCAVATE — To dig out and remove any material from a wetland or wetland buffer.

ENVIRONMENTAL CLERK — An employee of the Town of Yorktown, or an independent contractor engaged by the Town of Yorktown, designated to perform, inter alia, the duties of the Environmental Clerk as set forth in this chapter.

ENVIRONMENTAL CODE INSPECTOR — The duly appointed Town officials charged with the duty of inspecting and enforcing the environmental laws of the Town of Yorktown, including but not limited to Chapter 165, Erosion Control and Soil Removal, and this chapter.

FACULTATIVE SPECIES — Vegetative species that can occur in both upland and wetland systems. There are three subcategories of facultative species: facultative wetlands, straight facultative and facultative upland. Under natural conditions, a facultative wetland species is usually (estimated probability of 67% to 99%) found in wetlands, but occasionally in uplands; a straight facultative species has basically a similar likelihood (estimated probability of 34% to 66%) of occurring in both wetlands and uplands; a facultative upland species is usually (estimated probability of 67% to 99%) found in uplands, but occasionally in wetlands. Facultative species for the Northeast are listed in the Wetland Plants of the State of New York 1986, published by the United States Fish and Wildlife Service in cooperation with the National and Regional Wetland Plant List Review Panels, and as updated from time to time. Such lists shall be available at the Town Clerk's office.

FILL — See "deposit."

FLAGGING — Delineating on site whereupon the applicant's ecologist has placed visible markers at the wetland boundary, which, upon approval by the town, can be transferred by a qualified surveyor to the site plan.

FRESHWATER WETLANDS MAP — The final freshwater wetlands maps for Westchester County promulgated by the Commissioner of the New York State Department of Environmental Conservation pursuant to § 24-0301.5 of the New York State Freshwater Wetlands Act, or such map as has been amended or adjusted, and on which are indicated the approximate locations of the actual boundaries of

wetlands regulated pursuant to Article 24 of the Environmental Conservation Law.

GRADING — To adjust the degree of inclination of the natural contours of the land, including leveling, smoothing and other modification of the natural land surface.

GROWING SEASON — The portion of the year when soil temperatures are above biologic zero (5° C.); the growing season for Westchester County is March through October.

HIGHWAY SUPERINTENDENT — The person duly elected to the office of Highway Superintendent of the Town of Yorktown pursuant to Article III of Chapter 65 of the Code of the Town of Yorktown and, if and when the said person is absent or is unable to perform the duties of his or her office for any other reason, the duly appointed Deputy Highway Superintendent. **[Added 5-4-2004 by L.L. No. 13-2004]**

HYDRIC SOIL — A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part and as further defined under "wetland."

HYDROPHYTIC VEGETATION — Plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content, and as further defined under "wetland."

MATERIAL — Liquid, solid or gaseous substances, including but not limited to soil, silt, gravel, rock, clay, peat, mud, debris and refuse; any organic or inorganic compound, chemical agent or matter; sewage sludge or effluent; or industrial or municipal solid waste.

MICROSITE — A small site supporting facultative or obligate vegetation anomalous within the context of the larger vegetative unit. Microsites may be drier or wetter than surrounding areas as a result of altered drainage, incidental topographic variation or a related characteristic.

MINERAL SOIL — A soil consisting predominantly of and having its properties determined predominantly by mineral matter. Mineral soils usually contain less than 20% organic matter by weight.

MITIGATION PLAN — The plan prepared by the applicant pursuant to § 178-17B when the applicant has demonstrated that either losses or impacts to the wetland or wetland buffer are necessary and unavoidable, as defined in § 178-17A, and have been minimized to the maximum extent practicable.

MUNICIPALITY — The Town of Yorktown.

MUNSELL SOIL COLOR CHART — A soil color designation system that specifies the relative degree of the three simple variables of color (hue, value and chroma), produced by the Kollmorgen Corporation, 1975, or as amended or updated from time to time.

OBLIGATE UPLAND SPECIES — Plant species that, under natural conditions, always occur in uplands (i.e., greater than 99% of the time). The less than one-percent difference allows for anomalous wetland occurrences (i.e., occurrences that are the result of human-induced disturbances and transplants). Obligate upland species for the Northeast are listed in the Wetland Plants of the State of New York

1986, published by the United States Fish and Wildlife Service, in cooperation with the National and Regional Wetland Plant List Review Panels and as updated from time to time. Such lists shall be available at the Town Clerk's office.

OBLIGATE WETLAND SPECIES — Plant species that, under natural conditions, always occur in wetlands (i.e., greater than 99% of the time). The less than one-percent difference allows for anomalous upland occurrences (i.e., occurrences that are the result of human-induced disturbances and transplants). Obligate wetland species for New York State are listed in Wetland Plants of the State of New York 1986, published by the United States Fish and Wildlife Service, in cooperation with the National and Regional Wetland Plant List Review Panels, and as updated from time to time. Such lists shall be available at the Town Clerk's officer.

ORGANIC SOILS/HISTOSOLS — A taxonomic order composed of organic soils (mostly peats and mucks) that leave organic materials in over half the upper 3 inches, unless the depth to rock or to fragmental materials is less than 32 inches (a rare condition) or the bulk very low, and as further defined under "wetland.

PERMIT OR WETLANDS PERMIT — That form of written municipal approval required by this chapter for the conduct of a regulated activity within a wetland or wetland buffer.

PERSON — Any individual, firm, company, association, society, corporation or group [**Amended 5-4-2004 by L.L. No. 13-2004**]

PLANNING BOARD — The duly appointed Planning Board of the Town of Yorktown as created pursuant to § 271 of the Town Law.

PROJECT — Any proposed or ongoing action which may result in direct or indirect physical or chemical impact on a wetland, including, but not limited to, any regulated activity.

PROTECTED WOODLAND — A woodland as defined herein that is 10,000 square feet or greater in area regardless of individual property boundaries. [**Added 7-7-2020 by L.L. No. 8-2020**]

REMOVE — To dig, dredge, suck, bulldoze, dragline, blast or otherwise excavate or grade, or the act thereof.

SOIL SCIENTIST — A person having special knowledge by reason of education and work experience of the physical, chemical and biological sciences applicable to the genesis and morphology of soils as natural bodies and of the methods to describe, classify and map soil units, to a degree acceptable to the Conservation Board and to the approval authority.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) — The law pursuant to Article 8 of the New York Environmental Conservation Law providing for environmental quality review of actions which may have a significant effect on the environment.

STRUCTURE — Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground, including, but not limited to, buildings, tennis courts and swimming pools.

TOWN — The Town of Yorktown.

TOWN BOARD — The duly elected Town Board of the Town of Yorktown.

TOWN CLERK — The duly elected Town Clerk of the Town of Yorktown.

TOWN ENGINEER — The person duly appointed, employed, engaged or hired by the Town Board of the Town of Yorktown to serve as Town Engineer and, if and when the said person is absent or is unable to perform the duties of his or her office for any other reason, the duly appointed Deputy Town Engineer. **[Amended 5-4-2004 by L.L. No. 13-2004]**

WATERBODY — Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline, but not including a watercourse as defined in this chapter.

WATERCOURSE — A running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.

WATER SUPERINTENDENT — The person duly appointed, employed, engaged or hired by the Town Board of the Town of Yorktown to serve as Water Superintendent and, if and when the said person is absent or is unable to perform the duties of his or her office for any other reason, the duly appointed Deputy Water Superintendent. **[Added 5-4-2004 by L.L. No. 13-2004]**

WETLAND/FRESHWATER WETLAND — Any area which meets one or more of the following criteria

- (1) Watercourses and waterbodies.
- (2) Lands and waters that meet the definition provided in § 24-0107.1 of the New York State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law). The approximate boundaries of such lands and water, are indicated on the official freshwater wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation pursuant to § 24-0301.5 of the Act, or such a map that has been amended or adjusted pursuant to § 24-0301.6 of Title 23 of Article 71 of the Environmental Conservation Law.
- (3) All areas greater than 1,000 square feet in area that comprise hydric soils and/or are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of hydrophytic vegetation as defined by the Federal Interagency Committee for Wetland Delineation, 1989, in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Washington, D.C., and adopted by the United States Army Corp of Engineers, United States Environmental Protection Agency, and the United States Fish and Wildlife Service.

WETLAND PLANTS OF THE STATE OF NEW YORK 1986 — The list of obligate and facultative upland and wetland plant species developed by the United

States Department of the Interior, Fish and Wildlife Service, in cooperation with the National and Regional Wetland Plant List Review Panels, as amended and updated from time to time (available in the Town Clerk's office).

WETLAND HYDROLOGY — The sum total of wetness characteristics in areas that are inundated or have saturated soils for a sufficient duration to support hydrophytic vegetation.

WETLAND/WATERCOURSE BUFFER — A buffer area surrounding a wetland that is also subject to the regulations for wetlands as defined herein. The exact size of the wetland/watercourse buffer shall be determined as follows:

- (1) Except as provided in Subsection (2) of this definition, the wetland/watercourse buffer shall extend at least 100 feet away from the edge of the wetland as measured horizontally from the boundary of the wetland; **[Amended 5-4-2004 by L.L. No. 13-2004]**
- (2) The buffer of watercourses includes all adjacent surfaces for 100 feet as measured from the bank of the watercourse, or the high-water mark, whichever is more.
- (3) The buffer of watercourses includes all adjacent surfaces for 100 feet as measured from the bank of the watercourse, or the high-water mark, whichever is more.

WOODLAND — A contiguous area of vegetation consisting of trees as the dominant species along with an understory of shrubs and herbaceous ground cover. The driplines of the outermost trees shall define the boundary of the woodland. A protected woodland shall be deemed to exist even if it has been degraded by invasive plant species. **[Added 7-7-2020 by L.L. No. 8-2020]**

WOODLAND DISTURBANCE — Any activity which alters the existing structure of a protected woodland. Alterations include the cutting or removal of any canopy trees, understory shrubs, herbaceous woodland ground cover as well as the removal of humus or duff from the ground. **[Added 7-7-2020 by L.L. No. 8-2020]**

YORKTOWN TOPOGRAPHY AND SURFACE HYDROLOGY MAP — The Yorktown Wetlands and Drainage Map dated May 1987, prepared by Frederick P. Clark Associates and the Yorktown Conservation Board, adopted by the Town Board and as from time to time updated, that shows the approximate location of areas that can be classified as wetlands. **GENERAL NOTE:** The Yorktown Topography and Surface Hydrology Map is intended to provide general guidance in locating and determining those areas which constitute wetlands, as defined herein. Finite boundaries of wetlands shall be confirmed by the approval authority.

§ 178-7. Rules for establishing and interpreting wetland boundaries.

The boundaries of a wetland ordinarily shall be determined by field investigation, flagging and subsequent survey by a licensed land surveyor, unless the last is waived by the approval authority. The approval authority may consult and/or may require the applicant to consult with biologists, hydrologists, soil scientists, ecologists/botanists or other experts as necessary to make this termination pursuant to the definition criteria contained in § 178-6. When required to consult with experts, the applicant shall either

hire a consultant from the list available in the Town Clerk's office or other consultants approved by the Conservation Board.

§ 178-8. Applicability; wetlands and watercourses clearance form. [Amended 10-17-2006 by L.L. No. 13-2006]

The provisions of this chapter shall apply to all lands defined and/or designated wetlands/watercourses and buffers. All applications for any building permit, site plan approval, subdivision approval or any other land use development or land altering or disturbance permit issued by any approval authority shall be accompanied by a wetlands and watercourses clearance form, which shall be obtained by an applicant from the Town Engineer.

§ 178-9. Prohibited, regulated and permitted acts.

No regulated activity shall be conducted in a wetland or wetland/watercourse buffer without a written permit from the approval authority and full compliance with the terms of this chapter and other applicable regulations.

- A. Permitted activities. The following uses shall be permitted as-of-right within a wetland or wetland/watercourse buffer to the extent that they are not prohibited by any other ordinance; they do not constitute a pollution or erosion hazard or interfere with proper drainage; and they do not require structures, grading, fill, draining or dredging for which a permit may be required:
- (1) Normal ground maintenance, including mowing, trimming of vegetation and removal of dead or diseased vegetation around a residence.
 - (2) Repair of existing walkways and walls.
 - (3) Maintenance of existing decorative landscaping and planting in wetland/watercourse buffers, excluding those activities regulated in Subsections B(11) and (12).
 - (4) Public health activities and orders of the Westchester County Department of Health and/or the New York State Department of Health for emergencies only.
 - (5) Deposition or removal of natural products of wetlands in the process of recreational or commercial fishing, shellfishing, hunting or trapping, but excluding excavation and removal of peat or timber.
 - (6) Operation and maintenance of existing dams and water control devices, limiting the adjustment of water elevations to 18 inches in height for periods of less than one week after which the water level is returned to its previous level.
 - (7) Removal of debris, leaves, and dead or diseased vegetation that are obstructing flow within a wetland or wetland buffer. **[Added 12-21-2004 by L.L. No. 24-2004²]**
 - (8) Manual removal of accumulated sediment, up to a maximum of two cubic

2. Editor's Note: Former Subsection A(7), regarding gardening activities, was repealed 4-2-2002 by L.L. No. 2-2002.

yards, located within five feet of the end of a pipe which crosses under a road or driveway. All Erosion Ordinance requirements must be followed. **[Added 12-21-2004 by L.L. No. 24-2004]**

- B. Regulated acts which require a wetlands permit. Except as provided in Subsection A, it shall be unlawful, in the absence of a specific written permit issued by, the approval authority, to do any of the following activities in any wetland or buffer area:
- (1) Placement or any construction of any structure.
 - (2) Any form of draining, dredging, excavation, or removal of material either directly or indirectly.
 - (3) Any form of dumping, filling or depositing of material, either directly or indirectly.
 - (4) Installation of any service lines or cable conduits.
 - (5) Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharging of sewage treatment, effluent or other liquid wastes into or so as to drain into a wetland.
 - (6) Alteration or modification of natural features and contours.
 - (7) Alteration or modification of natural drainage patterns and watercourses.
 - (8) Construction of dams, docks, or other water control devices, pilings or bridges, whether or not they change the natural drainage characteristics.
 - (9) Operation of existing dams and water control devices, involving the adjustment of water level more than 18 inches or any adjustment of water level which is in place for more than one week.
 - (10) Installation of any pipes or wells.
 - (11) Within the same one-acre area, the cutting of more than three trees which are over eight inches in diameter at a point 4 1/2 feet from ground level within a twelve-month period. **[Amended 12-14-2010 by L.L. No. 16-2010; 7-7-2020 by L.L. No. 8-2020]**
 - (12) Plowing and/or harrowing.
 - (13) Grazing of horses and/or other animals.
 - (14) Any other activity that may impair the natural function(s) of a wetland, as described in this chapter.
 - (15) Application and/or the use of herbicides, pesticides and any regulated chemicals and materials. **[Added 5-4-2004 by L.L. No. 13-2004]**
- C. Prohibited acts. It shall be unlawful to place or deposit chemical wastes or to introduce influents of sufficiently high thermal content as to cause deleterious ecological effect in any wetland or buffer area.

§ 178-10. Permit applications.**A. Administrative permit applications.**

- (1) The application shall contain the following information:
 - (a) Name and post office address of owner and applicant.
 - (b) Street address and tax map designation of property covered by the application.
 - (c) Statement with consent from the owner for any agent making application.
 - (d) Statement of proposed work and purpose thereof.
 - (e) Applications affecting the water retention capacity, water flow or other drainage characteristics of any wetland shall include a statement of the impact of the project on upstream and downstream areas giving appropriate consideration to flood or drought levels of watercourses and amounts of rainfall.
 - (f) The location, boundaries and square footage of protected woodland on the site that will be disturbed. **[Added 7-7-2020 by L.L. No. 8-2020³]**
 - (g) Copies of all applicable county, state or federal permits or permit applications that are required for such work or improvement, unless such permits are conditioned upon obtaining a permit under this chapter.
 - (h) An application fee in the amount set forth in § 168-1, Master Fee Schedule for Land Development Applications and Permits, shall be charged and collected upon the filing of the application. **[Amended 10-17-2006 by L.L. No. 13-2006; 10-5-2010 by L.L. No. 9-2010]**
- (2) Review of application by Town Engineer.
 - (a) Unless an applicant requests, in writing, that his application not be considered for an administrative permit, the Environmental Clerk, upon receipt of an application prepared in accordance with Subsection A(1) above, shall forward one copy of the application and supporting plans and documentations to the Town Engineer. The four additional copies shall stay in a central wetlands file in the Environmental Clerk's office available for public review and interdepartmental referral.
 - (b) The Town Engineer shall review the application and any supporting plans and documentation for the purpose of determining whether or not the application is eligible for treatment under the provisions of Subsection A(3), Regulated acts permitted within an administrative permit. If the Town Engineer requires additional information, plans or specifications in order to make such determination, he shall so notify the applicant within 15 days after receipt of the application by the Town Engineer.

3. Editor's Note: This local law also renumbered former Subsection A(1)(f) and (g) as Subsection A(1)(g) and (h), respectively.

- (c) If the Town Engineer determines that the application is not eligible for treatment under the provisions of Subsection A(3) of this chapter, he shall provide written notice of such decision to the applicant and the Environmental Clerk, and return the application to the Environmental Clerk. The application shall then be processed by the appropriate approval authority.
 - (d) If the Town Engineer determines that the application is eligible for treatment under the provisions of Subsection A(3) of this chapter, he shall process the application within 90 days of receipt of a complete application in accordance with the provisions of this chapter.
- (3) Regulated acts permitted with an administrative permit.
- (a) The following regulated activities are determined by this chapter to be limited in scope and limited in potential impact. The approval authority for applications to conduct these regulated activities shall be the Town Engineer. However, in the event that the Town Engineer determines that the granting of an administrative permit would be inappropriate in light of the standards set forth in § 178-12 of this chapter, the Town Engineer shall neither approve nor deny the application, but rather shall return the file application to the Environmental Clerk for processing in accordance with the procedures set forth in Subsection A(2)(c) of this chapter. If the Town Engineer determines that the granting of an administrative permit would be appropriate in light of the standards set forth in § 178-12 of this chapter, the Town Engineer shall grant the application in accordance with the provisions of Subsection A(2)(d) of this chapter. Notwithstanding the foregoing, the Town Engineer, in his sole discretion, may return any application for an administrative permit to the Environmental Clerk for processing in accordance with the provisions of Subsection A(2)(c) of this chapter. Proposed regulated activities within wetlands or wetlands buffer areas for which an administrative permit may be granted are:
 - [1] The performance of a regulated act, as set forth in § 178-9 which does not require subdivision approval, site plan approval, or the issuance of a special permit by either the Town Board or the Planning Board and where any deposition or removal of material from the wetland or buffer area is not in excess of 300 cubic yards over a one-year period. **[Added 4-2-2002 by L.L. No. 2-2002; amended 10-17-2006 by L.L. No. 13-2006]**
 - [2] Construction of a driveway when the length of a wetland or buffer area crossing or intrusion is less than 225 feet, excluding the construction of driveways of any length which causes hydrological isolation of a portion of wetlands and if a natural drainage system crossing is proposed, where a single culvert of less than 25 feet in length and 18 inches in diameter is required.
 - [3] The application of nonpolluting chemicals and dyes for the purpose of maintenance that does not change the character of the wetland (such as Health Department testing).

(b) Notwithstanding the foregoing, the following activities shall not be permitted with any administrative permit: **[Amended 10-17-2006 by L.L. No. 13-2006]**

- [1] Any activities proposed for areas designated wetlands or wetland buffer on the most recent New York State Freshwater Wetlands Map;
- [2] Construction of swimming pools accessory to a single-family residence, including associated grading located within 50 linear feet of a wetland;
- [3] Construction of building additions, structural alterations, replacements, detached accessory structures, decks and/or patios in excess of a ground footprint of 800 square feet within 50 linear feet of a wetland;
- [4] Construction of new residential, commercial or industrial buildings within the wetland or one-hundred-foot wetland buffer;
- [5] Grading or land disturbance of greater than 10,000 square feet in spatial extent within the wetland or one-hundred-foot wetland buffer whether or not associated with building construction.

(4) Notice provisions. The deed, contract of sale and final plat of any land subdivided subsequent to the enactment of this chapter shall describe any wetlands or buffer areas governed by this chapter and include a covenant to run with the land and note on the deed and final plat respectively that any construction within these areas requires a wetlands permit.

B. Nonadministrative permit applications.

(1) The application shall contain the following information:

- (a) A name and address of the owner.
- (b) The street address and tax map designation to the property.
- (c) A statement of authority from the owner for any agent making application.
- (d) A statement of proposed work and purpose thereof, and an explanation why the proposed activity cannot be located at another site.
- (e) A list of names of the owners of record of lands adjacent to the wetland or wetland/watercourse buffer in which the project is to be undertaken, and the names of claimants of water rights, which relate to any land within, or within 100 feet of the boundary of the property on which the proposed regulated activity will be located.
- (f) Complete plans and estimates for the proposed site improvements, which shall be certified by an engineer, architect, land surveyor, or landscape architect licensed in the State of New York, drawn to a scale no less detailed than one inch equals 50 feet, and showing the following:

- [1] The location of all wetlands and/or watercourses on the site under review and within 200 feet, as determined by a qualified ecologist/botanist and/or soil scientist, no earlier than 12 months prior the date of filing the application.
- [2] A description of the vegetative cover of the regulated area, including dominant species.
- [3] A description of the soil types on-site.
- [4] The location, boundaries and square footage of protected woodland that will be disturbed. **[Added 7-7-2020 by L.L. No. 8-2020⁴]**
- [5] The location of the construction area, or area proposed to be disturbed, and its relation to property lines, roads, buildings and watercourses within 250 feet.
- [6] The exact locations, specifications and amount of all proposed draining, fill, grading, dredging and vegetation removal or displacement, including the amount computed from cross-sections, and the procedures to be used to do the work.
- [7] The location of any well(s) and depth(s) thereof and any disposal system.
- [8] Existing and adjusted contours at two-foot intervals in the proposed disturbed area, and to a distance of 50 feet beyond; and elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than 10 feet.
- [9] Details of any temporary or permanent drainage system proposed both for the conduct of work, and after completion thereof, including locations at any point discharges, artificial inlets, or other human-made conveyances which would discharge into the wetland or wetland buffer, and measures proposed to control erosion both during and after the work.
- [10] Where creation of a lake or pond is proposed, details of the construction of any dams, embankments, outlets or other water control devices; and analysis of the wetland hydrologic system, including seasonal water fluctuations inflow/outflow calculations, and subsurface soil, geology and groundwater conditions.
- [11] Where creation of a detention basin is proposed, with or without excavation, details of the construction of any dams, berms, embankments, outlets, or other water control devices, and an analysis of the wetland hydrologic system, including seasonal water fluctuation, inflow/outflow calculations, and subsurface soil, geology and groundwater conditions.

4. Editor's Note: This local law also renumbered former Subsection B(1)(f)[4] through [13] as Subsection B(1)(f)[5] through [14], respectively.

- [12] On the plan for development, a means on site for a line of demarcation between the development and the wetland and/or wetland buffer area.
 - [13] A completed long-form environmental assessment form as required by the New York State Environmental Quality Review Act.
 - [14] All information relating to a permit application, including but not limited to:
 - [a] The application itself;
 - [b] Additional required materials or information;
 - [c] Notices;
 - [d] Record of hearings; and
 - [e] Written comments.
 - (g) Copies of all applicable county, state or federal permits or permit applications that are required for such work.
 - (2) The approval authority may require additional information as needed. Such additional information may include, but is not limited to:
 - (a) The study of flood, erosion, or other hazards at the site;
 - (b) The effect of any protective measures that might be taken to reduce such hazards; and
 - (c) Any other information deemed necessary to evaluate the proposed use in terms of the goals and standards of this chapter.
 - (3) An application fee in the amount set forth in § 168-1, Master Fee Schedule for Land Development Applications and Permits, shall be charged and collected upon the filing of the application. **[Amended 10-17-2006 by L.L. No. 13-2006; 10-5-2010 by L.L. No. 9-2010]**
 - (4) Findings shall be maintained on file in the office of the Environmental Clerk.
 - (5) The Town Board, upon findings that a proposed action is consistent with the activities as set forth in § 178-9, may refer any regulated activity subject to its review and approval for disposition by the Town Engineer may attach conditions thereto. **[Added 10-7-2014 by L.L. No. 4-2014]**
- C. Emergency permits **[Added 5-4-2004 by L.L. No. 13-2004]**
- (1) The Town Board or Town Engineer, whichever is the approval authority, may issue a wetland permit to all or any of the Highway Superintendent, the Town Engineer or the Water Superintendent, as defined in § 178-6, for purposes of dealing with an emergency in any wetland or wetland buffer area where said emergency is occurring throughout the Town of Yorktown. Notwithstanding the issuance of such emergency permit, the proper erosion control measures shall be taken during such activity.

- (2) For projects carried out in response to an emergency, the following procedures shall apply:
 - (a) All procedural requirements of this chapter related to application processing are waived, except as provided in this section
 - (b) Prior to commencement of the project, the Town Engineer must be notified. If circumstances warrant immediate action by the Highway Superintendent, Water Superintendent, or Town Engineer and prior notice to the approval authority is not possible, then the approval authority must be notified by the party taking emergency action within 24 hours after commencement of the emergency action. Notification must be by written form of communication. This written notification must be followed within 24 hours by submission of the following information to the approval authority:
 - [1] A description of the proposed action;
 - [2] Location map and plan of the proposed project; and
 - [3] Reasons why the situation is an emergency.
- D. General permits. **[Added 10-17-2006 by L.L. No. 13-2006]**
- (1) The Town Board may issue general permits which shall be for activities proposed within wetland or wetland buffers that shall encompass greater than a one-year period to complete or shall be part of an approved comprehensive wetland plan. Following review and approval by the Town Board, the general permit holder will be required to annually review the progress and conditions of the project with the Town Engineer who will then recommend to the Town Board continuance or discontinuance of the general permit.
 - (2) An application fee in the amount set forth in § 168-1, Master Fee Schedule for Land Development Applications and Permits, shall be charged and collected upon the filing of the application. **[Amended 10-5-2010 by L.L. No. 9-2010]**
- E. Referral to professional consultants. The approval authority, in the review of any permit application, may refer such application to such planner, engineer, legal or environmental expert, soil scientist, ecologist, biologist, or other professional as the approval authority shall deem reasonably necessary to assist it in the review of such application as required by law and pursuant to Chapter 168, § 168-4 of the Code of the Town of Yorktown. **[Added 10-17-2006 by L.L. No. 12-2006; amended 10-5-2010 by L.L. No. 9-2010]**
- F. Escrow accounts. **[Added 10-17-2006 by L.L. No. 12-2006; amended 10-5-2010 by L.L. No. 9-2010]**
- (1) At the time of submission of any application, the approval authority may require the establishment of an applicant-funded escrow account as set forth in the Master Fee Schedule⁵ from which withdrawals shall be made to reimburse the Town for the cost of anticipated outside professional review services.

5. Editor's Note: See § 168-1, Master Fee Schedule for Land Development Applications and Permits.

- (2) If unanticipated issues arise during the course of reviewing an application and the approval authority determines that additional outside professional review services are needed in order to properly and adequately complete its review of the application, the approval authority may request that an appropriate consultant submit, in writing, a proposal explaining what additional review work is required and what the estimated additional cost will be.
- (3) If the balance in the applicant's escrow account is not sufficient to cover the cost of the additional professional review identified in Subsection B, the applicant shall be required to deposit additional funds into such escrow account as are necessary to cover the estimated additional cost as determined by the approval authority.
- (4) If the applicant's escrow account is not replenished within 21 days after the applicant is notified, in writing, of the requirement for such additional deposit, the approval authority may suspend its review of the application until such time as the applicant has replenished the escrow account.
- (5) Upon receipt of a proper and complete voucher from a consultant for services rendered, the Town shall debit the applicant's escrow account to pay the fees due to the consultant. The Town shall provide the applicant with copies of all vouchers and work products for such consultant services as they are submitted to the Town.
- (6) If, after reviewing a consultant's voucher, an applicant wishes to question a charge and/or work product(s) included in the voucher, the applicant may appeal the charge to the approval authority, in which case the approval authority will be the final arbiter as to the appropriateness of the charge. Any such appeal must be made within 30 days of the receipt of the voucher.
- (7) In the event that a positive declaration is determined in accordance with Section 617 of the New York State Environmental Quality Review Act (SEQRA) regarding the subject application, the use of professional consultants to review the application may be suspended until after completion of the SEQRA process.
- (8) No permits, certificates of occupancy, certificates of compliance, site plan or subdivision approvals, special permits, variances or other permits or approvals shall be issued by any administrative officials or municipal boards of the Town unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Town.
- (9) Following final decision by the approval authority or withdrawal of the application by the applicant, and after all pertinent fees have been paid, the Town shall refund to the applicant any funds remaining on deposit in the escrow account upon receipt of a written request from the applicant. The refund shall be made within 21 days of the date the Town receives the applicant's written request for refund, provided that all conditions precedent to the refund have been satisfied.

G. Monitoring and inspection fees. **[Added 10-17-2006 by L.L. No. 12-2006]**

- (1) At the time of approval of a permit application, the approval authority shall determine the required monitoring and inspection fees based on the complexity and substance of the authorized regulated activity.
- (2) To perform specific monitoring duties as required by this chapter, the Town may contract with a professional consultant to provide independent monitoring and inspection services.
- (3) To provide for the payment of the costs of monitoring services, the approval authority may require a permittee to establish a monitoring and inspection escrow account with the Town. The permittee shall then provide funds to the Town for deposit into such account in an amount to be determined by the approval authority.
- (4) Upon receipt of a proper and complete voucher from the professional consultants for services rendered, the Town shall debit the permittee's escrow account to pay the fees due to the consultant. Upon request, the permittee shall be provided with copies of any voucher for such consultant services as they are submitted to the Town.
- (5) When the balance in the permittee's escrow account is reduced to 1/3 of its initial amount, the permittee may be required to deposit additional funds into such escrow account to bring the balance up to the amount of the initial deposit or to such lesser amount as deemed sufficient by the approval authority to provide necessary monitoring and inspection through completion of the permitted project. If such account is not replenished within 15 days after the permittee is notified, in writing, of the requirement for such additional deposit, the approval authority may order the suspension of all work or other activity pursuant to the permit until such time as the permittee has replenished the escrow account.
- (6) No permits, certificates of occupancy, certificates of compliance, site plan or subdivision approvals, special permits, variances or other permits or approvals shall be issued by any administrative officials or municipal boards of the Town unless all monitoring and inspection fees charged in connection with the permittee's project have been reimbursed to the Town.
- (7) Following satisfactory completion of all work or other activity pursuant to the permit granted by the approval authority and after all pertinent charges have been paid, the Town shall refund to the permittee any funds remaining on deposit in the escrow account upon receipt of a written request from the permittee. The refund shall be made within 21 days of the date the Town receives the permittee's written request for refund, provided all conditions precedent to the refund have been satisfied.

§ 178-11. Procedures for permits.

- A. No regulated activity shall be conducted without an issuance of a written permit from the approval authority.
- B. An application shall not be deemed complete until and unless the applicant has complied fully with the procedures of the State Environmental Quality Review

(Article 8 of the State Environmental Conservation Law). No wetland permit may be issued until the State Environmental Quality Review Act procedures have been completed.

- C. The original and five copies to the wetlands permit application shall be filed with the Environmental Clerk, along with an application fee in accordance with schedule of fees on file with the Environmental Clerk. The Environmental Clerk will forward a copy of application to:
- (1) The approval authority.
 - (2) The Conservation Board.
 - (3) The Tree Conservation Advisory Committee if the permit is for activity in a protected woodland. **[Added 7-7-2020 by L.L. No. 8-2020⁶]**
 - (4) In the case of a wetland or watercourse crossing the Town line, the Clerk of the abutting town.
 - (5) In the case of a wetland or watercourse crossing a county line, the Clerk of the abutting county.
- D. In the case of permit applications for disturbance to a protected woodland, the approval authority shall forward any attached mitigation plan to the Conservation Board and Tree Conservation Advisory Committee. **[Added 7-7-2020 by L.L. No. 8-2020⁷]**
- E. In the case of nonadministrative permits, the Conservation Board shall, within 45 days of receipt of an application, issue a memorandum to the approval authority addressing:
- (1) The completeness of the application.
 - (2) And recommending whether the application should be handled as an Administrative Permit.
 - (3) If the application is complete, making recommendation on approval, denial or approval on condition, with suggested conditions provided. Failure of the Conservation Board to issue a timely report shall be considered to constitute a waiver of any objections to the application.
- F. Nonadministrative permits.
- (1) The approval authority shall, for a nonadministrative permit, within 30 days of receipt of the Conservation Board's memorandum, make a finding of the completeness of the application. If rendered in complete, the application shall be returned to the applicant with a list of deficiencies.
 - (2) In the case of nonadministrative permits sought in conjunction with a subdivision approval, the approval authority shall open a public hearing on the requested wetland permit concurrently with the public hearing on preliminary

6. Editor's Note: This local law also renumbered former Subsection C(3) and (4) as Subsection C(4) and (5), respectively.

7. Editor's Note: This local law also renumbered former Subsections D and E as Subsections E and F, respectively.

subdivision approval. Public notice and notice to interested parties of the wetland permit hearing shall be provided along with the notice required by the Town Code of the Town of Yorktown for the hearing on the preliminary subdivision approval. The approval authority shall issue a preliminary decision statement on the wetlands permit application within 45 days of the close of the above-mentioned public hearing. The approval authority shall issue a final written decision on the wetland permit concurrently with the decision on final subdivision approval.

- (3) In the case of nonadministrative permits sought in conjunction with a site plan approval, the approval authority shall open a public hearing on the requested wetland permit concurrently with the public hearing on site plan approval. Public notice and notice to interested parties of the wetland permit hearing shall be provided, along with the notice required by the Town Code of the Town of Yorktown for the hearing on site plan approval. The approval authority shall issue a final written decision on the wetland permit concurrently with the final decision on site plan approval.
 - (4) In the case of all other nonadministrative permits, the approval authority shall open a public hearing within 30 days of its finding the application complete. Public notice of such hearing shall be given at least 10 days prior to the date set for the hearing in a newspaper having general circulation in the Town. The applicant shall provide prior notice of such hearing to interested parties pursuant to the provisions of Chapter 205, Notification of Interested Parties. Within 30 days of the close of the public hearing, the approval authority shall render a written decision on the application.
 - (5) In the case of substantial amendment of any previously approved, unexpired nonadministrative permits, the approval authority shall open a public hearing within 30 days of its finding the application complete. Public notice of such hearing shall be given at least 10 days prior to the date set for the hearing in a newspaper having general circulation in the Town. The applicant shall provide prior notice of such hearing to interested parties pursuant to the provisions of Chapter 205, Notification of Interested Parties.⁸ Within 30 days of the close of the public hearing, the approval authority shall render a written decision on the application. **[Added 12-21-2004 by L.L. No. 24-2004]**
- G. A wetland permit application can be granted without conditions, granted subject to conditions or denied. Any conditions of a wetlands permit shall be in writing and shall be attached to, or incorporated by reference into the written decision.

§ 178-12. Standards for permit decisions.

- A. Consideration. In granting, denying or conditioning any permit, the approval authority shall consider the following:
- (1) All evidence offered at any public hearing.
 - (2) Any reports from other commissions and/or federal, county, state or Town

8. Editor's Note: See Ch. 205, Notification of Proposed Land Use Activity or Regulation.

agencies.

- (3) Additional requested information by the approval authority.
- (4) All relevant facts and not circumstances, including but not limited to the following:
 - (a) The environmental impact of the proposed action;
 - (b) The alternatives to the proposed action;
 - (c) Irreversible and irretrievable commitments of resources that would be involved in the proposed activity;
 - (d) The character and degree of injury to, or interference with, safety, health or the reasonable use of property that is caused or threatened;
 - (e) The suitability or unsuitability of such activity to the area for which it is proposed; and
 - (f) The effect of the proposed activity with reference to the protection or enhancement functions of wetlands and the benefits they provide which are set forth in § 178-3 of this chapter and in § 24-0103 of the Environmental Conservation Law.
- (5) The availability of preferable alternative locations on the subject parcel or, in the case of activity of sufficient magnitude, the availability of the reasonable locations.
- (6) The availability of further technical improvements or safeguards that could feasibly be added to the plan or action.
- (7) The possibility of further avoiding reduction of the wetland or watercourse's natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage and provide recreation and open space.
- (8) The extent to which the exercise of property rights and the public benefit derived from such use may or may not outweigh or justify the possible degradation of the inland wetland or watercourse, the interference with the exercise of other property rights and impairment or endangerment of public health, safety or welfare.

B. Findings.

- (1) Permits will be issued by the approval authority pursuant to this chapter only if the approval authority shall find that:
 - (a) The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve wetland functions and the benefits they provide, as set forth in § 178-3 of this chapter, by preventing the despoliation and destruction of wetlands and regulating the development of such wetlands consistent with the general welfare and development of the town.

- (b) The proposed regulated activity is consistent with the land use regulations governing wetlands application in the Town of Yorktown and the local legislation is at least as restrictive as the laws of New York State regarding wetlands protection.
 - (c) The proposed regulated activity is compatible with the public health and welfare.
 - (d) The proposed regulated activity cannot practically be relocated on the site so as to eliminate or reduce the intrusion into the wetland and/or wetland/watercourse buffer.
 - (e) The proposed regulated activity minimizes the degradation to or loss of any part of the wetlands and the wetland buffer and minimizes any adverse impacts on the functions and benefits that said wetland provides as set forth in § 178-3 of this chapter.
 - (f) The proposed regulated activities are in compliance with the standards set forth in 6 NYCRR 665.7(e) and 66S.7(g), as amended.
- (2) The applicant shall have the burden of proof with regard to the required findings set forth in § 178-17B.

§ 178-13. Permit conditions.

- A. Any permit issued pursuant to this chapter may be issued with conditions to assure:
- (1) The preservation and protection of affected wetlands;
 - (2) Compliance with the policy and provisions of this chapter;
 - (3) The provisions of the approval authority's rules and regulations adopted pursuant to this chapter. Such conditions may be attached as the approval authority deems necessary and pursuant to § 178-17.
- B. Every permit issued pursuant to this chapter shall be in written form and shall contain the following conditions:
- (1) Work conducted under a permit shall be open to inspection at any time, including weekends and holidays, by the approval authority, the Conservation Board, the Town Engineer, the Environmental Code Inspector or their designated representatives.
 - (2) The permit shall expire on a specified date.
 - (3) The permit holder shall notify the approval authority and the Environmental Code Inspector of the date on which the work is to begin, at least five days in advance of such date.
 - (4) The approval authority's permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permittee.
- C. The approval authority shall set forth, in writing, findings and reasons for all conditions attached to any permit. These findings shall be recorded in the file

maintained for each permit application. Conditions may include, but shall not be limited to, the following:

- (1) Limitations on minimum lot size for any activity;
 - (2) Limitation on the total portion of any lot or the portion of the wetland on the lot that may be graded, filled or otherwise noted;
 - (3) Modification of waste disposal and water supply facilities in conjunction with Westchester County Department of Health;
 - (4) Imposition of operation controls, sureties and deed restrictions concerning future use and subdivision of lands such as preservation of undeveloped areas in open space use and limitations of vegetation removal;
 - (5) Dedication of easements to protect wetlands;
 - (6) Erosion control measures;
 - (7) Setbacks for structures, fill, deposit of soil and other activities from the wetland;
 - (8) Modifications in project design to ensure continued water supply to the wetland and circulation of waters; and
 - (9) Replanting of wetland vegetation and construction of new wetland areas to replace damaged or destroyed areas.
- D. The approval authority shall include in the file it maintains regarding a permit application the following:
- (1) A copy of any mitigation plan prepared pursuant to § 178-17B;
 - (2) All comments received; and
 - (3) A record of any hearing held pursuant to § 178-12.

§ 178-14. Performance bond.

- A. The approval authority may require that, prior to commencement of work under any permit issued pursuant to this chapter, the applicant or permittee shall post a bond in an amount and with surety and conditions, sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this chapter. The bond shall remain in effect until the approval authority or its designated agent certifies that the worry has been completed in compliance with the terms of the permit and the bond is released by the approval authority or a substitute bond is provided. In the event of a breach of any condition of any such bond, the approval authority may institute an action in the courts upon such bond and prosecute the same to judgment and execution.
- B. The approval authority shall set forth, in writing, in the file it keeps regarding a permit application its findings and reasons for imposing a bond pursuant to this section.

§ 178-15. Other laws and regulations.

No permit granted pursuant to this chapter shall remove an applicant's obligation to also comply in all respects with the applicable provisions of any other federal, state or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

§ 178-16. Expiration of permit.

- A. All permits shall expire on completion of the acts specified and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. No original permit granted pursuant to this chapter shall be valid for greater than a period of three years from the date of issue. The approval authority may extend the time in which the acts specified in the permit must be completed if, in its opinion, such intention is warranted by the particular circumstances thereof for not to exceed two additional periods of 90 days each. A request for an extension of an original permit shall be made in writing to the approval authority at least 30 days prior to the expiration date of the original permit or the first ninety-day extension.
- B. Should a permittee fail to complete the acts specified in the permit prior to the expiration of the second ninety-day extension, the original permit shall become null and void and a new permit must be applied for. The request for a new permit shall follow the same form and procedure as the original application, except that the approval authority shall have the option of not holding a hearing if the original intent of the permit is not altered or extended in any significant way.
- C. If the approval resolution referring to the wetlands permit is reapproved by the approval authority, the wetlands permit is not implicitly reapproved; a separate reapproval for the wetlands permit must be secured on its own. Permits may be transferred to new legal owners of the affected property so long as the conditions and plans as approved remain unchanged. Notice of such transfer of permit must be filed with the Environmental Clerk within 30 days of the transfer.

§ 178-17. Mitigation policy and plan requirements.

- A. Mitigation policy. Mitigation shall be permitted as compensation only for unavoidable wetland losses. For the purpose of this chapter, wetland impacts are necessary and unavoidable only if all of the following criteria are satisfied:
 - (1) There is no feasible on-site alternative to the proposed activity, including reduction in density, change in use, revision of road and lot layout which accomplish the applicant's objectives;
 - (2) There is no feasible alternative to the proposed activity on another site that is not a wetland or wetland/watercourse buffer; and
 - (3) The proposed activity is compatible with the public health and welfare and Town declared public policy.
- B. Mitigation is required for disturbance in a protected woodland which is within a wetland and/or a wetland buffer and therefore requiring a permit under this chapter, however mitigation measures as detailed in the Preservation of Yorktown's Trees

and Woodlands § 270-10 may be used as mitigation in combination with required mitigation under Chapter 178 as appropriate to further the intents of Chapter 270. This in no way implies additional mitigation above that required in Chapter 178. **[Added 7-7-2020 by L.L. No. 8-2020⁹]**

C. Mitigation plan.

- (1) Upon a determination pursuant to Subsection A above that losses of wetland or wetland/watercourse buffers are necessary and unavoidable, the Town Board and Planning Board shall and the Town Engineer may, as approval authorities, require the preparation of a mitigation plan which shall specify mitigation measures that replace, to the greatest extent possible, the functions of the original wetland and/or buffer in terms of type, ecological benefits, geographic location and setting and size. **[Amended 7-7-2020 by L.L. No. 8-2020]**
- (2) For the purposes of mitigation, on-site mitigation shall be the preferred approach; off-site mitigation shall be permitted only in cases where an on-site alternative is not possible.
- (3) Adequate mitigation for intrusion into wetlands shall provide a no overall net loss of wetlands in terms of ecological characteristics and function, geographic location and setting and size. A greater than 1:1 replacement may be necessary in areas where there is a strong possibility of failure. Adequate mitigation for intrusion into wetland buffer areas shall preserve the ecological characteristics and function of the associated wetland.
- (4) Where off-site mitigation is proposed, the same should be within the drainage basin affected by the development. In this regard, contribution to a Town adopted drainage basin and/or wetland improvement plan may be considered. A town-adopted drainage basin and/or wetland improvement plan shall be any plan as established upon resolution of the Town Board.

D. Mitigation plan requirements.

- (1) When required under this chapter, mitigation plans shall be developed so as to fully compensate for the loss of wetlands or wetland/watercourse buffers and shall include the following baseline data:
 - (a) Hydrologic data.
 - [1] Small projects (losses of two acres): land use history, macrotopography, general surficial geology and streamflow measurements, groundwater levels and groundwater quality.
 - [2] Moderate projects (losses of two to 10 acres): data required for small projects, plus microtopography, bedrock geology, surficial geology, streamflow velocity measurements, if appropriate, soil pore water storage (organic soils) and direct precipitation measurements.
 - [3] Large projects (losses of 10 acres): data for small and moderate

9. Editor's Note: This local law also renumbered former Subsections B and C as Subsections C and D, respectively.

projects, plus water balance analysis (one-year study), groundwater storage, groundwater flow rates, soil pore water level and flow (organic soils).

(b) Soils.

- [1] Small projects: soil profile descriptions, general soil survey data, bulk density, porosity, hydraulic conductivity, pH, conductivity, cation exchange capacity, redox potential, total phosphorous, total nitrogen, nitrate nitrogen and organic carbon.
- [2] Moderate projects: data required for small projects plus fiber content (organic soils), phosphorous retention, pore water analysis (seasonally), alkalinity, exchangeable acidity, seedbank capacity and soil organisms.
- [3] Large projects: data required for small and moderate projects plus clay mineralogy, microbial assessment (seasonally), heavy metals content, pesticides residues, gas/toxin analysis (seasonally), peat features and soil temperature regime.

(c) Vegetation and wildlife.

- [1] Small projects: area wetland extent and qualitative measurement of percent plant cover, plant species list, vegetation cover-type, relative stem density, slope, microtopography, plant vigor, surface water connections, habitat structure, vegetation/open water ratio and surrounding terrestrial cover type.
 - [2] Moderate projects: data for small projects plus comprehensive animal species list, potential phosphorous uptake and potential nitrogen uptake.
 - [3] Large projects: data for small and moderate projects plus quantitative measurement of stem density, evapotranspiration data and net primary productivity.
- (2) The applicant shall monitor or shall cause to be monitored acts specified on the permit to determine whether the elements of the mitigation plan and permit conditions have been met and whether the wetland acreage created replaces the wetland acreage lost. The applicant shall submit written reports to the approval authority and Environmental Code Inspector at a frequency to be determined by the approval authority, addressing the progress of the work under the wetlands permit and the mitigation plan. When necessary, the approval authority may require the applicant to contract with a wetland consultant to assess the applicant's work and monitoring reports conducted under the permit and mitigation plan. The applicant shall either hire consultants from the list available in the Town Clerk's office or other consultants approved by the Conservation Board. The requirements for monitoring shall be specified in the mitigation plan and shall include, but are not limited to, the following:

- (a) The time period over which compliance monitoring shall occur.
 - (b) Field measurements to verify the size and location of the impacted wetland area and the restored/replacement wetland area.
 - (c) The date of completion of the restoration/replacement.
- (3) Any mitigation plan, and all contents thereof, prepared pursuant to this section and accepted by the approval authority shall become part of the permit for the application.

§ 178-18. Sanctions; penalties for offenses.

A. Administrative sanctions.

- (1) Damages. Any person who undertakes any wetland activity without a permit issued hereunder or who violates, disobeys or disregards any provision of this chapter or any rule or regulation adopted by the approval authority pursuant to this chapter shall be liable to the municipality for civil damages caused by such violation for every such violation. Each consecutive day of the violation will be considered a separate offense. Such civil damages may be recovered in an action brought by the municipality at the request and in the name of the approval authority in any court of competent jurisdiction.
- (2) Restitution. The Town shall have the authority, following a hearing before the Town Board and on notice to the violator to direct the violator to restore the affected wetland to its condition prior to violation, insofar as that is possible, within a reasonable time and under the supervision of the approval authority or its designate. Further, the approval authority shall be able to require an adequate bond in a form and amount approved by the approval authority to ensure the restitution of the affected wetlands. Any such order of the approval authority shall be enforceable in an action brought in any court of competent jurisdiction. Any order issued by the approval authority pursuant to this subsection shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.
- (3) Stop-work order. **[Amended 4-2-2002 by L.L. No. 1-2002]**
 - (a) The Town Engineer, Building Inspector or Environmental Code Inspector may post a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:
 - [1] Any land-disturbance activity regulated under Chapters 178 is being undertaken without a permit.
 - [2] The wetlands permit is not being fully implemented.
 - [3] Any of the conditions of the permit are not being met.
 - (b) The stop-work order shall be effective immediately, shall state the specific violations cited and shall state the conditions under which work may be resumed.

- (c) For purposes of this section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land-disturbing activity in reasonable proximity to a location where the land-disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage prepaid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as owner of the property by the Town Assessor on the tax roll or, if none, to the taxpayer shown by the records of the Town Assessor.
- (d) If the permittee does not cease the activity or comply with the wetlands permit or permit conditions within one day, the issuing authority may revoke the permit. No wetlands permit shall be permanently suspended or revoked until a public hearing is held by the Town Board.
 - [1] Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:
 - [a] Grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
 - [b] The time and place of the hearing to be held.
 - [2] Such notice shall be served on the permittee at least one week prior to the date set for the public hearing, unless the stop-work order is issued for a violation occurring less than one week before the next regularly scheduled public meeting of the Town Board. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing, the Town Board shall determine whether the permit shall be reinstated, suspended or revoked.
- (e) If the owner or land user, where no permit has been issued, does not cease the land-disturbance activity, the issuing authority may request the Town Attorney to obtain injunctive relief.
- (f) The issuing authority may retract the revocation.
- (g) Ten days after posting a stop-work order, the issuing authority may issue a notice of intent to the permittee, owner, or land user of the issuing authority's intent to perform work necessary to comply with Chapter 178. The issuing authority may go on the land and commence work after 14 days from issuing the notice of intent. The costs incurred by the issuing authority to perform this work shall be paid by the owner or permittee out of the posted wetlands bond, to the extent that the amount is covered thereby, with the remainder being directly due and owing by the owner or permittee. In the event no permit was issued or no bond was posted, the cost, plus interest, at the rate authorized by the issuing authority, plus a reasonable administrative fee, shall be billed to the owner. If, in any event, the amount due is not paid, the Receiver of Taxes shall enter the amount due on the tax roll and collect as a special assessment against the

property using the procedures for collecting the assessment, providing for the notice of assessment, hearing thereon, and appeal as provided.

- (h) Compliance with the provisions of Chapter 178 may also be enforced by injunction.
- (4) The usual wetland and excavation permit application fees shall be doubled in the case of any application sought as a result of or in connection with the applicant having been issued a stop-work order or a remedy order prior to applying for a permit. **[Added 12-21-2004 by L.L. No. 24-2004]**
- B. Criminal sanctions. Any person convicted of having violated or disobeyed any provision of this chapter, any order of the approval authority or any condition duly imposed by the approval authority in a permit granted pursuant to this chapter shall, for the first offense, be punishable by a fine of not less than \$1,000. For each subsequent offense, such person shall be punishable by a fine of not less than \$5,000, nor more than \$25,000, and/or a term of imprisonment of not more than 15 days. Each consecutive day of the violation may be considered a separate offense. The term "person" as used herein, shall mean a natural person or a corporate person. **[Amended 5-4-2004 by L.L. No. 13-2004]**
- C. Issuance of appearance tickets. The purpose of this section is to authorize the Environmental Inspector of the Town of Yorktown to issue and serve appearance tickets in connection with the violation of local laws, ordinances or rules and regulations of the Town of Yorktown which he is authorized or required to enforce. **[Added 4-2-2002 by L.L. No. 2-2002]**

§ 178-19. Additional remedies.

The municipality is specifically empowered to seek injunctive relief restraining any violation or threatened violation of any provisions of this chapter and/or compel the restoration of the affected wetland or wetland/watercourse buffer to its condition prior to the violation of the provisions of this chapter.

§ 178-20. Wetland acquisition.

Duly filed notice, in writing, that the state or any agency or political subdivision of the state is in the process of acquiring any wetland by negotiation or condemnation authorizes but does not require denial of any permit, but only if both the affected landowner and the local government have been so notified.

- A. The written notice must include an indication that the acquisition process has commenced, such as that an appraisal of the property has been prepared or is in the process of being prepared.
- B. If the landowner receives no offer for the property within one year of the permit denial, this bar to the permit lapses. If its negotiations with the applicant are broken off, the state or any agency or political subdivision must, within six months of the end of negotiation, either issue its findings and determination to acquire the property pursuant to § 204 of the Eminent Domain Procedure Law or issue a determination to acquire the property without public hearing pursuant to § 206 of the Eminent Domain Procedure Law or issue a determination to acquire the

property without public hearing pursuant to § 206 of the Eminent Domain Procedure Law, or this ban to the permit lapses.

§ 178-21. Review and appeal.

A. Appeal and review.

- (1) Any decision or order of the approval authority or any officer or employee thereof made pursuant to or within the scope of this chapter may be reviewed by the Town Board at the request of any interested party, provided that such review is commenced by the filing of a notice of review with the Town Board within 30 days after service of such order or filing of such decision with the Town Clerk.
- (2) Any party to any proceeding before the approval authority may appeal to the Town Board from any order or decision of the approval authority or any officer or employee thereof issued or made pursuant to or within the scope of this chapter, provided that such appeal is commenced by the filing of a notice of appeal with the Town Board within 30 days after service of such order or filing of such decision with the Environmental Clerk.

B. Judicial review. Any final determination, decision or order of the approval authority may be judicially reviewed pursuant to Article 70 of the Civil Practice Law and Rules in the Supreme Court for Westchester County. The institution of an immediate judicial proceeding to review all original determinations on the permit precludes an appeal to the Freshwater Wetlands Appeals Board.

§ 178-22. Applicability; preexisting activities.

- A. This chapter shall apply to any and all activities, projects, developments and/or land uses that, as of the date of the adoption of this chapter, have not received final approval or either a negative declaration or a positive findings statement pursuant to the Environmental Conservation Law (6 NYCRR 617).
- B. For all activities, projects, developments or land uses which have received a final approval without having undergone the procedures pursuant to Environmental Conservation Law Article 8 (6 NYCRR 617) shall be deemed to have received a negative declaration or positive findings statement for the purposes of this chapter.

§ 178-23. Consent; legislative conflicts.

In order to carry out the purposes and provisions of this chapter and in addition to the powers specified elsewhere in this chapter, the following general provision shall apply:

- A. **Consent.** The applicant consents to the entry onto his property by any Town agent, including but not limited to members of the Town Board, Planning Board, Conservation Board, the Town Engineer or Environmental Code Inspector, or their agents, to view and review the property in pursuance of this chapter.
- B. **Conflicts.** Whenever this chapter is inconsistent with any other law of the Town of Yorktown, whichever imposes the more stringent restriction shall prevail.

Attachment F

From: William Batista
Sent: Tuesday, February 26, 2019 12:29 PM
To: Diana Quast <dquast@yorktownny.org>
Cc: Michael Quinn <mquinn@yorktownny.org>
Subject: 795 Route 6 - Tree Removal

Diana - The Engineering Department conducted a site inspection today at 795 Route 6, in regards to trees being removed from the land area surrounding a New York State regulated waterbody, summarized below:

- 30-inch diameter: 4 trees
- 24-inch diameter: 1 tree
- 22-inch diameter: 3 trees
- 20-inch diameter: 6 trees
- 18-inch diameter: 7 trees
- 16-inch diameter: 13 trees
- 14-inch diameter: 17 trees
- 12-inch diameter: 9 trees
- 10-inch diameter: 7 trees
- Number of "dead" trees removed: 23

Mike has been very familiar with the site and has had previous discussions with Lanny and Stewart regarding permits for work being performed. If any permits and/or violations are to be issued to the subject site, they will need to be prepared by Mike Quinn.

Thanks,
Will

William Batista | Assistant Civil Engineer | Yorktown Town Hall | 363 Underhill Ave. Yorktown Heights, NY 10598 | O: (914) 962-5722 ext. 253 | C: (914) 384-3440 | williamb@yorktownny.org

Attachment G

Chapter 270

TREES

ARTICLE I Preservation of Yorktown's Forested Environment

- § 270-1. Purpose.
- § 270-2. Findings.
- § 270-3. Definitions.
- § 270-4. Permit required.
- § 270-5. Permit not required.
- § 270-6. Approving authority.
- § 270-7. Permit procedures.
- § 270-8. Standards for approval.
- § 270-9. Permit duration.
- § 270-10. Security.

- § 270-11. Inspection and monitoring of activities.
- § 270-12. Enforcement; penalties for offenses.

ARTICLE II Town-wide Forest Management

- § 270-13. Definitions.
- § 270-14. Tree Conservation Advisory Commission to develop plan.

ARTICLE III Arbor Day

- § 270-15. Recognition of Arbor Day.

[HISTORY: Adopted by the Town Board of the Town of Yorktown 9-20-2016 by L.L. No. 21-2016.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Board — See Ch. 10, Art. II.
Tree Conservation Advisory Commission — See Ch. 10,
Art. VIII.
Planning Board — See Ch. 35.
Building construction — See Ch. 130.

Fees — See Ch. 168.
Freshwater wetlands — See Ch. 178.
Land development — See Ch. 195.
Stormwater management and erosion and sediment
control — See Ch. 248.

ARTICLE I Preservation of Yorktown's Forested Environment

§ 270-1. Purpose.

- A. This chapter regulates certain activities in the Town relating to the cutting of trees. The purposes of the chapter are to:
- (1) Preserve, protect, conserve and regulate the forests, woodlands and trees and the benefits derived therefrom;
 - (2) Prevent uncontrolled, widespread cutting of trees;
 - (3) Prevent soil erosion; and

1. Editor's Note: This local law also repealed former Ch. 270, Trees, adopted 12-14-2010 by L.L. No. 16-2010.

- (4) Protect wetlands, water bodies and watercourses, air quality, vegetation, wildlife and fragile natural resources.
- B. It is the further purpose of this chapter to preserve the rights of property owners in the Town consistent with the purposes enumerated above.

§ 270-2. Findings.

- A. The Town Board finds that healthy trees stabilize the soil and control water pollution by preventing soil erosion and flooding, absorb air pollution, provide oxygen, yield advantageous microclimatic effects, have an intrinsic aesthetic quality, offer a natural barrier to noise and a natural habitat for wildlife and are integrally involved in fundamental ecological systems.
- B. The Town Board finds that the cutting of trees can create, including, but not limited to, surface drainage problems, increased municipal costs to control drainage, adversely affect air quality, impair the stability and value of nearby properties, adversely affect fundamental ecological systems and result in unsightly and barren conditions.

§ 270-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVING AUTHORITY — The Planning Board, the Town Board or the Town Engineer as specified in § 270-6 of this chapter.

CONSERVATION BOARD — The duly appointed members of the Conservation Board.

PROTECTED TREE — A woody perennial, either deciduous or coniferous, having a diameter eight inches or greater measured 4 1/2 feet above ground level ("DBH" hereafter) and any street tree as defined herein.

SPECIMEN TREE — Any protected tree with a DBH of 24 inches or greater.

STREET TREE — A tree designated by the approving authority to be planted as part of an approved site plan and/or any tree whose base is at least 50% in the land enclosed by property lines on either side of a public right-of-way.

TREE CONSERVATION ADVISORY COMMITTEE — The duly authorized members of the Tree Conservation Advisory Committee.

§ 270-4. Permit required.

A permit under this chapter shall be required for the following activities:

- A. In a period of 18 consecutive months, removal of 10 protected trees or more in an area 10,000 square feet or more.
- B. Removal of any tree which had been designated to be planted as part of an approved site plan and/or subdivision.

- C. Removal of more than three protected trees within any Town jurisdictional wetland or wetland buffer area within an eighteen-month period.
- D. Removal of any specimen tree.
- E. In a period of 18 consecutive months, removal of 10 protected trees in an area of 2,000 square feet or more which includes in total or in part a slope 15% or greater as determined by the Town of Yorktown topographic maps.

§ 270-5. Permit not required.

A permit under this chapter shall not be required for the following activities:

- A. Normal maintenance, such as trimming and pruning less than 20% of the tree crown area or bracing.
- B. The clearing, cutting or uprooting of fewer than 10 protected trees:
 - (1) Within 15 feet of an existing building or approved addition and within the footprint of any approved addition;
 - (2) Within 10 feet of an existing or approved subsurface structure, such as a septic tank or field, or other subsurface improvement or within the septic field area as required by the Westchester County Health Department; or
 - (3) Within five feet of an existing or approved sidewalk or driveway or within the area occupied by a proposed driveway or sidewalk.
- C. The clearing, cutting or uprooting of trees authorized and conducted in accordance with a tree plan as part of a development approval plan or site plan approved by the approving authority.
- D. Removal of any tree which has been determined by an arborist certified by the International Society of Arboriculture to be dead, hazardous, damaged beyond salvaging or in an advanced state of decline.
- E. Removal of trees on a parcel that has an approved forest management or stewardship plan or as part of an agricultural activity.
- F. Removal of trees which are designated invasive species by the New York State Department of Conservation (NYSDEC).
- G. Removal of any tree that creates an actual or ongoing emergency condition.
- H. Any removal of trees to be done by or on behalf of the Town of Yorktown.

§ 270-6. Approving authority.

The approving authority under this chapter shall be as follows:

- A. The Town Board shall be the approving authority for any application, permit or approval for which the Town Board has authority pursuant to the local laws and ordinances of the Town.
- B. The Planning Board shall be the approving authority for any application, permit or approval for which the Planning Board has authority pursuant to the local laws and ordinances of the Town.
- C. The Town Engineer, or his designee, shall be the approving authority with respect to all other permit or approval under this chapter.

§ 270-7. Permit procedures.

- A. Application requirements. An application for a permit required by this chapter shall be filed with the approving authority and shall contain the following information and such other information as required, except when waived by the approving authority:
 - (1) The name, address and phone number of the property owner and applicant.
 - (2) The written consent of the property owner, if the applicant is not the property owner.
 - (3) The Tax Map designation of the property.
 - (4) A plan showing the following: the location of the property and property boundaries, the location of structures, driveways and roadways on the property and the location of the proposed tree removal.
 - (5) The location of wetlands, water bodies or watercourses subject to regulation under Chapter 178 of the Town Code.
 - (6) The location of areas subject to regulation under Chapter 175 of the Town Code entitled "Flood Damage Prevention."
 - (7) The size, number, location and species of protected trees to be cut.
 - (8) The estimated size, number, location and species of protected trees to be saved.
 - (9) The location of any staging of clearing, cutting or uprooting of trees.
 - (10) The location and size of loading areas for the removal of cut trees.
 - (11) A plan for tree disposition and cleanup.
 - (12) A statement from the property owner that each protected tree to be removed has been designated, with paint or other distinctive means, at two points so as to be readily visible to the approving authority and the tree remover. One point shall be low enough on the protected tree so as to be visible on the stump after the tree is removed.

- (13) A statement that the property owner will indemnify and hold the Town harmless against any damage or claims associated with the permit, including but not limited to the performance of on-site inspection by the Town.
- (14) An explanation as to why a proposed activity prompting the tree removal application cannot be located elsewhere on the property.

B. Referral.

- (1) In cases where the approving authority is the Town Board or the Planning Board, the Town may refer any application submitted to it pursuant to this chapter to the Tree Conservation Advisory Commission and Conservation Board for review and report. The date of referral from the approving authority shall be deemed to be the date of the first regularly scheduled monthly meeting of the Tree Conservation Advisory Commission and Conservation Board after receipt of a complete set of pertinent materials from the approving authority. The Approval Authority may require expert assessment of the existing forest on a site proposed for development. This assessment may include information on health, quality and function of the forest.
- (2) The Tree Conservation Advisory Commission and Conservation Board shall report back to the approving authority within 30 days of such referral. Failure by the Tree Conservation Advisory Commission or Conservation Board to report back within the specified time period shall be interpreted by these approving authorities as indicating no objection to the application.

C. Notice. Upon receipt of a completed application under this chapter, the approving authority shall cause notice of receipt of the same to be mailed by certified mail to adjoining property owners and those across any street adjoining the involved property. For applications to the Town Engineer, such property owners shall have 20 days from said day of notice to submit written comment to the approving authority with regard to said application. For applications to the Planning Board or the Town Board, such property owners shall be able to submit written comments to the approving authority up until such time as the required public hearings are closed by the approving authority.

D. Public hearing. Except as otherwise provided herein, a public hearing may be held by the approving authority on the application made hereunder at such time or times, under such circumstances and upon such notice as may be required for the granting of the other permit or approval required of such approving authority when the approving authority is the Town Board or Planning Board pursuant to the local laws and ordinances of the Town. Notice of such hearing shall be issued and/or published in the same manner as is required by law for site plans and development approval plans. The Town Engineer may refer any application to the Town Board or Planning Board if it is determined that a public hearing on the application is appropriate.

E. Action by the approving authority. The approving authority shall review said application to ensure conformity with the requirements of this chapter. A determination shall be made to approve, approve with modifications or disapprove the issuance of such permit simultaneously with the determination by the approving authority of any other permit or approval for which application was made.

F. Appeal and review.

- (1) Any decision or order of the Planning Board or Town Engineer or any officer or employee thereof made pursuant to or within the scope of this chapter may be reviewed by the Town Board at the request of any interested party, provided that such review is commenced by the filing of a notice of review with the Town Board within 30 days after filing of such order or decision with the Town Clerk.
- (2) Judicial review. Any final determination, decision or order of the approving authority may be judicially reviewed pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for Westchester County.

§ 270-8. Standards for approval.

In granting, denying or conditioning any application for a permit required by this chapter, the approving authority shall evaluate the proposed activity, its purpose, and available alternatives and shall determine that the impact of the proposed activity upon, including but not limited to, public health and safety, soil erosion, wildlife habitat, fire protection, and drainage, will not be detrimental and shall be in accordance with the following additional standards, considerations and conditions:

- A. Trees shall be felled so that erosion is avoided. All tree-cutting debris shall be kept at least 20 feet from all public roads and rights-of-way.
- B. Consideration shall be given to preserving protected trees where feasible and practical.
- C. Mitigation measures. An applicant may be required by the approving authority to prepare and implement a tree replacement plan to offset the impacts of the proposed regulated activities. The minimum size of replacement trees shall be not less than one-and-one-half-inch caliper or other determined by the approving authority. The mitigation measures shall not solely be determined by the size of the trees to be replaced but also by the function the trees provide in the location. Mitigation measures may also include but not be limited to installation of street trees, removal of invasive vegetation, removal of trees for public safety purposes, implementation of a forest management plan and installation of deer exclosures. If the approving authority requires payment of a fee to the Tree Bank Fund to satisfy the unmet portion of the tree replacement requirements, the applicant shall pay a fee in such amount as set forth by the approving authority.

§ 270-9. Permit duration.

- A. Activities specified by the permit shall be undertaken pursuant to any conditions of same and shall be completed according to any schedule set forth therein.
- B. A permit shall expire upon completion of the permitted activity or one year from the permit's issuance, whichever shall first occur.
- C. A permit may be renewed by the approving authority for a period of up to one year, provided that the terms and conditions of same have been observed and complied with as of the time of renewal.

D. A permit may be revoked or suspended in accordance with the provisions of this chapter.

§ 270-10. Security.

In granting a permit, the approving authority determines an amount in security with specific conditions securing compliance with the provisions of the permit.

§ 270-11. Inspection and monitoring of activities.

- A. The approving authority may inspect or cause to be inspected by its designee or representative activities undertaken pursuant to a permit so as to ensure satisfactory compliance with its terms and conditions.
- B. The approving authority may require that the activities undertaken pursuant to a permit be monitored and/or supervised by an arborist certified by the International Society of Arboriculture, including but not limited to the provision of written status reports at specified intervals with respect to the activities undertaken pursuant to the permit.

§ 270-12. Enforcement; penalties for offenses.

A. Administrative sanctions.

(1) Stop-work order.

- (a) The Town Engineer or designee may post a stop-work order for any tree removal activity if any of the following conditions exist:
- [1] Any tree removal activity regulated under this chapter is being undertaken without a permit.
- [2] Any of the conditions of the permit are not being met.
- (b) The stop-work order shall be effective immediately, shall state the specific violations cited and shall state the conditions under which work may be resumed.
- (c) In the case of work for which a permit has been duly issued, the stop-work order shall be delivered to the permittee or mailed by first-class mail to the address listed by the permittee on the permit. In the case of work for which there is no permit, the stop-work order shall be mailed to the person listed as owner of the property by the Town Assessor on the tax roll. Additionally, a copy of a stop-work order shall be posted on the site of the tree removal activity in reasonable proximity to a location where the tree removal activity is taking place.
- (d) If the permittee or person violating this chapter does not immediately cease the activity or comply with the tree permit or permit conditions, the approving authority may revoke the permit or any other permit issued to the permittee by the Town for the same property.

- (e) If the owner or land user where no permit has been issued does not cease the tree removal activity, the approving authority may request the Town Attorney to obtain injunctive relief from a court of competent jurisdiction.
- (2) Restoration. The Town shall have the authority, following a hearing before the approving authority on written notice to the violator, to direct the violator to restore the affected areas its condition prior to violation, insofar as that is possible, within a reasonable time and under the supervision of the approving authority or its designee. Such restoration may include measures outlined under § 270-8C of this ordinance. Further, the approving authority shall be able to require an adequate bond in a form and amount approved by the approving authority to ensure the restoration of the affected area. Any such order of the approving authority shall be enforceable in an action brought in any court of competent jurisdiction. Any order issued by the approving authority pursuant to this subsection shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.
- (3) The Town Engineer or designee shall enforce the provisions of this chapter and when necessary issue and serve appearance tickets in connection with any violation of this chapter.
- B. Civil damages. Any person who undertakes or procures any person to undertake any tree removal activity without the prior issuance of a permit hereunder or who otherwise violates any provision of this chapter or any permit restriction adopted by the approving authority pursuant to this chapter shall, in addition to any penal liability, be liable for any civil damages that might have been caused by such violation.
- C. Criminal sanctions.
- (1) Any person who violates or procures any person to violate any provision of this chapter shall be guilty of a violation punishable by a fine that shall not exceed \$1,000 per protected tree for the first offense, plus an additional amount that shall not exceed \$50 for each inch of caliper up to 18 inches, and \$100 for each inch of caliper over 18 inches. Where the diameter of a removed protected tree (or trees) cannot be ascertained, the fine for a first offense shall not exceed \$2,500 for each protected tree unlawfully removed.
- (2) For a second and each subsequent offense within a period of three years, the maximum fine shall be twice that applicable to a first offense or a term of imprisonment up to 15 days, or both.
- D. In addition to the remedies specified above, no building permit or permanent certificate of occupancy shall be issued to any property for which a stop-work order or notice of violation has been issued, until such violation has been remedied by restoration performed to the reasonable satisfaction of the approving authority or until such notice of violation has been dismissed by a court of competent jurisdiction.

ARTICLE II
Town-wide Forest Management

§ 270-13. Definitions.

As used in this article, the following terms shall have the meanings indicated:

TREE BANK — Town-owned lands or Town right-of-way lands to be designated by resolution of the Town Board as receiver sites for off-site mitigation plantings to satisfy tree replacement requirements which cannot be met on site.

TREE BANK FUND — A fund to be established by and administered in accordance with a resolution of the Town Board providing for the payment of fees as mitigation for removal of trees where tree replacement requirements cannot be met on site.

§ 270-14. Tree Conservation Advisory Commission to develop plan.

- A. The Town of Yorktown Tree Conservation Advisory Commission shall cause the development of a Town-wide forest management plan based on the goals and regulatory criteria set forth in this chapter and including standards and specifications for Town-wide forest maintenance, protection and reestablishment and recommendations to the Town Board regarding the development of tree banks or Tree Bank Fund as defined in this chapter. The forest management plan shall be approved by the Town of Yorktown Town Board and shall govern the sustainable use of trees located on public lands for commercial, conservation or recreational purposes, including but not limited to wood harvesting, biodiversity enhancement, bird watching, hiking, wildflower appreciation, picnics, hunting, trapping, water quality protection and the prevention of erosion and flooding. The Town-wide forest management plan shall identify and prioritize specific areas of the Town in which mitigation, as described in this chapter, may be accomplished. The plan shall be adopted by the Town Board and its implementation overseen by the Tree Conservation Advisory Commission. An annual report which shall describe the status of implementation shall be presented to the Town Board.
- B. The Yorktown Tree Conservation Advisory Commission shall conduct public outreach and education.

ARTICLE III
Arbor Day

§ 270-15. Recognition of Arbor Day.

- A. To recognize the benefits trees provide, the last Friday of every April shall be designated Arbor Day in the Town. Arbor Day shall be used to facilitate tree planting within the Town.
- B. The Planning Department shall coordinate and conduct Arbor Day ceremonies designed to facilitate tree planting within the Town, particularly along Town roads, in Town parks and open spaces and in or around wetlands.



Barton & Loguidice

Memo To: John Tegeder, Director of Planning
and Planning Board Members

Date: September 15, 2021

From: Leigh Jones, PLA
Managing Landscape Architect

Project No.: 2478.001.001
Phase No.: 02

Johanna Duffy, CWB, PWS®
Senior Managing Environmental Scientist

Re: Par 3 Golf Course Revitalization Project
Mitigation Plan Review
795 Route 6, Shrub Oak, New York
Westchester County

To: Town of Yorktown Planning Board

Barton & Loguidice, D.P.C. (B&L), has performed a technical review of the Mitigation Plan for Par 3 Golf Course, as requested by the Town of Yorktown Planning Department. We understand that redevelopment of a closed Town-owned Par 3 Golf Course, located at 795 Route 6, Shrub Oak, New York is proposed and currently under construction. The property is a total of 139 acres and is recognized as tax map ID 16.07-1-38. We acknowledge that multiple Town permits and approvals are being sought by the Applicant, including a Wetland Permit and a Tree Permit. As part of the redevelopment, the Town requested that the Applicant, R.C. Recreation Development Corp, LLC., submit a Mitigation Plan. To better understand the project site and the existing conditions, B&L's Leigh Jones was able to visit the property and complete a walk-thru of the project area on September 13, 2021. Her site photographs and site observations were also considered during the Mitigation Plan review.

B&L's comments on the submitted Mitigation Plan are as follows:

1. Before commenting specifically on the Mitigation Plan submitted and proposed by the Applicant, it should be noted that the water resource that runs through the interior of the golf course site is Shrub Oak Brook, (Stream 'A' on the attached map). This is mapped as a perennial waterbody that would be under federal jurisdiction by the U.S. Army Corps of Engineers (USACE). This water resource does not meet the definition of a protected stream under the New York State Department of Environmental Conservation's (NYSDEC) 6 NYCRR Part 608 regulations for Use and Protection of Waters. It should also be noted that a large portion of the golf course property is shown to be within a NYSDEC mapped Class 1 freshwater wetland (ID A-4). Any work proposed that would impact, negatively or positively (and including such actions as tree removal and tree planting), Shrub Oak Brook (Stream 'A') and/or the NYSDEC mapped wetland area, would require obtainment of federal and/or state permits from the USACE and NYSDEC, respectively. The history of such permit issuance for the property is unknown to B&L.

2. The Mitigation Plan mentions that **all** invasive species will be removed “on the south side of the property between the fringe and the brook.” This second brook will be referred to as Stream ‘B’ (see attached map). The proposed invasive species removal area should be outlined on a site map, and a complete list of what species will be hand removed should be provided. This area of the property will also receive new plantings. The locations of new plantings and a complete species list of the proposed plantings should be provided.
3. The Mitigation Plan should focus on planting native species in areas proposed to receive new shrubs and trees. Some of the species proposed for planting in the Mitigation Plan are not native. The use of native species and varieties is preferred.
4. New plantings are also proposed within multiple zones along the Shrub Oak Brook channel (Stream ‘A’), interior to the golf course site. Specific species lists and planting locations should be provided. Where the “Terrace Zone”, “Bank Zone”, etc. fall in relation to the existing stream channel and existing riparian vegetation is unclear. The limits of these various planting zones should be shown on a site map with background aerial and topography.
5. Some of the vegetative species names, common and scientific, included in the Mitigation Plan are unclear (mostly due to miss-spellings). The proposed species should be revisited to ensure that correct scientific names of vegetation are included. This is important because it allows for confirmation that native varieties will be used and eliminates confusion as to what specifically will be planted on the site. The planting of non-native species and invasive species is not recommended.
6. Much of the Shrub Oak Brook channel (Stream ‘A’) that meanders through the site is currently vegetated by herbaceous species. Enhancing the corridor by adding shrub and tree plantings above the stream’s regulated Ordinary High Water Elevation and outside of wetland areas would be beneficial, but the addition of herbaceous plantings in this corridor seems unnecessary given the density of plant cover observed in the field.

B&L looks forward to assisting the Town with a review of supplementary submitted information related to the proposed Mitigation Plan at the golf course site. If you have any questions on the provided comments, please do not hesitate to call or email.

Sincerely,

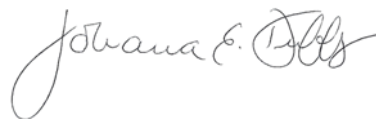
BARTON & LOGUIDICE, D.P.C.



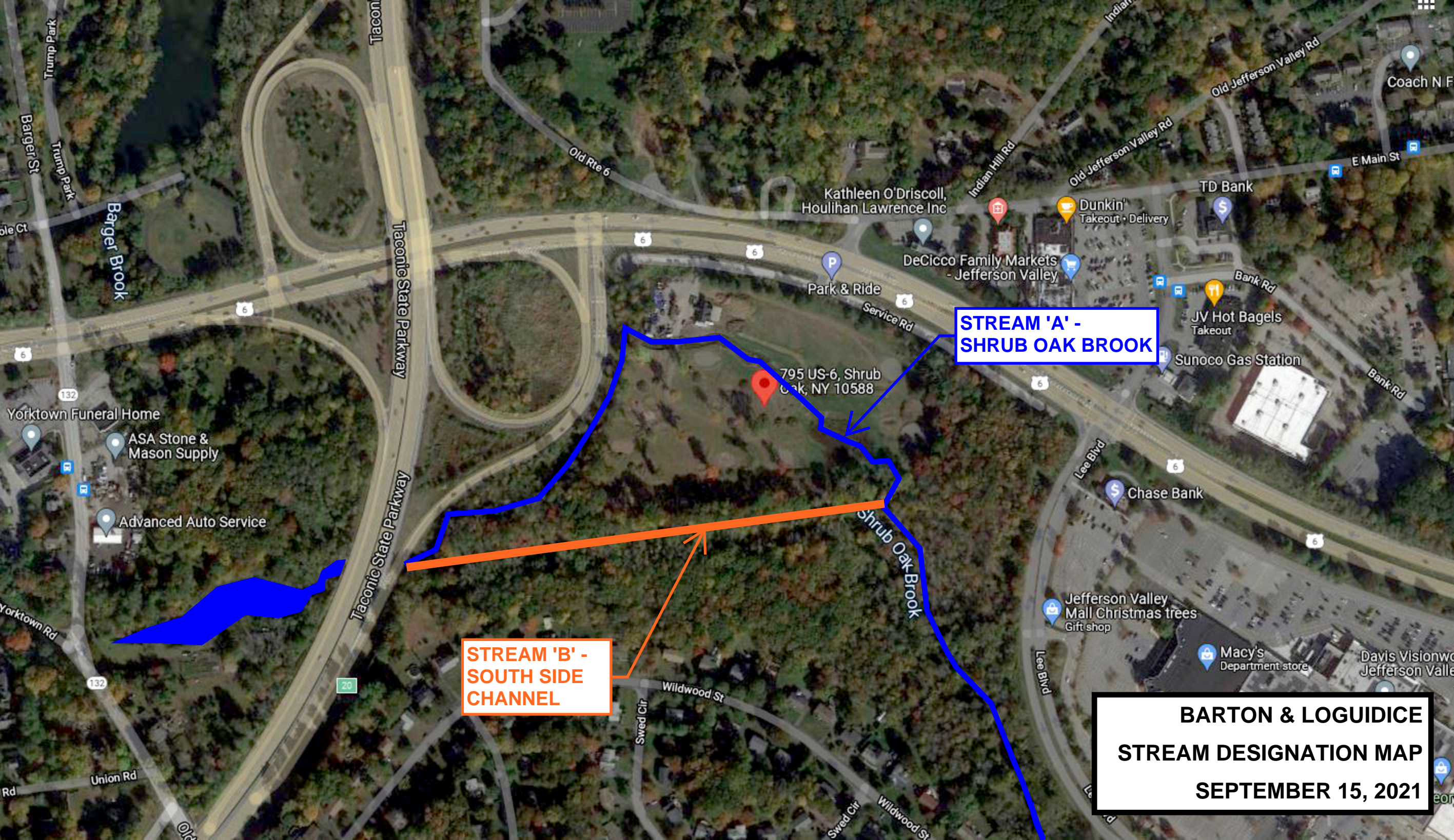
Leigh G. Jones, PLA
Managing Landscape Architect

JED/jms

Attachment



Johanna E. Duffy, CWB, PWS®
Senior Managing Environmental Scientist



**STREAM 'A' -
SHRUB OAK BROOK**

**STREAM 'B' -
SOUTH SIDE
CHANNEL**

**BARTON & LOGUIDICE
STREAM DESIGNATION MAP
SEPTEMBER 15, 2021**

795 US-6, Shrub
Oak, NY 10588

Taconic State Parkway

Shrub Oak Brook

Barger Brook

Barger St

Taconic State Parkway

Old Rte 6

Tacon

Kathleen O'Driscoll,
Houlihan Lawrence Inc

Indian Hill Rd

Old Jefferson Valley Rd

TD Bank

Dunkin'
Takeout · Delivery

E Main St

DeCicco Family Markets
- Jefferson Valley

Park & Ride

Service Rd

Bank Rd

JV Hot Bagels
Takeout

Sunoco Gas Station

Bank Rd

Lee Blvd

Chase Bank

Jefferson Valley
Mall Christmas trees
Gift shop

Macy's
Department store

Davis Visionw
Jefferson Valle

Wildwood St

Swed Cir

Swed Cir

Wildwood St

Union Rd

Old

Rd

Yorktown Rd

132

20

6

6

6

6

6

6

6

eon



Barton & Loguidice

Memo To: John Tegeder, Director of Planning
and Planning Board Members

Date: December 03, 2021

From: Leigh Jones, PLA
Managing Landscape Architect

Project No.: 2478.001.001

Phase No.: 02

Johanna Duffy, CWB, PWS®
Senior Managing Environmental Scientist

Re: Par 3 Golf Course Revitalization Project
Mitigation Plan Review – **Comment Letter #2**
795 Route 6, Shrub Oak, New York
Westchester County

To: Town of Yorktown Planning Board

Barton & Loguidice, D.P.C. (B&L) has further discussed the Par 3 Golf Course Revitalization Project with the Town of Yorktown Planning Department on Tuesday, November 30, 2021, and to review B&L's comment letter # 1, dated September 15, 2021. At the Town's request, B&L is providing clarification and additional detail to supplement (not replace) the original suggestions provided in a September 2021 comment letter to the Planning Board. We offer the following comments as recommendations and site information to support the Planning Board's continued review of this project.

1. The New York State Department of Environmental Conservation's (NYSDEC) Environmental Resource Mapper indicates locations of mapped streams that are recognized by the Protection of Waters Regulatory Program (Environmental Conservation Law, Article 15 and 6 NYCRR Part 608). In discussion with the Town it was noted that multiple historic modifications to stream resources and drainage pathways have occurred in the general project vicinity, including around the adjacent Jefferson Valley Mall and on the Par 3 Golf Course property proper. These modifications may or may not change how the stream resources are regulated, as NYSDEC stream mapping has not been amended to formally recognize Shrub Oak Brook as the previously mentioned and shown "Stream B". Confirmations of regulated resources and permit needs would need to be confirmed with the NYSDEC and/or U.S. Army Corps of Engineers (USACE) to define their regulated interests in the proposed work and existing resources on the property.
2. The Mitigation Plan mentions that **all** invasive species will be removed "on the south side of the property between the fringe and the brook." Invasive species to be removed shall include, but not be limited to the following list of non-native species that can cause harm the environment as listed by the NYSDEC: Common Buckthorn (*Rhamnus cathartica* L), Common Reed (*Phragmites australis*), Exotic Bush Honeysuckles (*Lonicera spp.*), Garlic Mustard (*Alliaria petiolata*), Giant Hogweed (*Heracleum mantegazzianum*), Japanese Barberry (*Berberis thunbergii* DC), Japanese Knotweed (*Polygonum cuspidatum* Sieb. & Zucc.), Japanese Stiltgrass (*Microstegium vimineum*), Multiflora Rose (*Rosa multiflora* Thunb. ex Murrwas int), Oriental Bittersweet (*Celastrus orbiculatus* Thunb.), Swallow-Worts (*Cynanchum louiseae* and *Cynanchum rossicum*), and Tree of Heaven (*Ailanthus altissima*).

3. The Mitigation Plan should focus on planting native species in areas proposed to receive new shrubs and trees. Some of the species proposed for planting in the Mitigation Plan are not native. The use of native species and varieties is recommended.
4. Areas that have been cleared of invasive plant species shall be planted with rapid-growing native species to avoid regrowth or introduction of other invasive plants. Native species to be used are recommended from the native plant list as defined by the NYSDEC. This site provides some good options: https://www.dec.ny.gov/docs/lands_forests_pdf/factnatives.pdf
5. Recommended native tree species, as per NYSDEC, include, but are not limited to: White Spruce (*Picea glauca*), Alternate-leaved Dogwood (*Cornus alternifolia*), Bur Oak (*Quercus macrocarpa*), Red Maple (*Acer rubrum*), Eastern Red Cedar (*Juniperus virginiana*), Shadbush Serviceberry (*Amelanchier arborea*), Black Gum (*Nyssa sylvatica*), Swamp White Oak (*Quercus bicolor*), Tamarack (*Larix laricina*), and River Birch (*Betula nigra*).
6. Recommended native shrub species, as per NYSDEC, include, but are not limited to: Highbush Blueberry (*Vaccinium corymbosum*), American Elderberry (*Sambucus nigra ssp. canadensis*), Virginia Rose (*Rosa virginiana*), Buttonbush (*Cephalanthus occidentalis*), Maple-leaved Viburnum (*Viburnum acerifolium*), American Hazelnut (*Corylus americana*), Nannyberry (*Viburnum lentago*), Northern Bush-honeysuckle (*Diervilla lonicera*), Bayberry (*Morella caroliniensis* (*Myrica pensylvanica*), and Flowering Raspberry (*Rubus odoratus*).
7. Much of the stream channel (Stream 'A') that meanders through the site is currently vegetated by herbaceous species. Enhancing the corridor by adding shrub and tree plantings above the stream's regulated Ordinary High Water Elevation and outside of wetland areas would be beneficial, but the addition of herbaceous plantings in this corridor seems unnecessary given the density of plant cover observed in the field. Additional shrubs and trees to be approved native species as per NYSDEC.

B&L provides the above information and recommendations to further clarify and assist in implementing an appropriate mitigation plan in support of the proposed Par 3 Golf Course project. If you have any questions on the provided information, please do not hesitate to call or email.

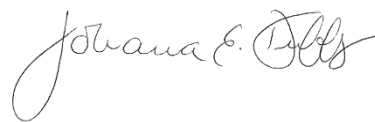
Sincerely,

BARTON & LOGUIDICE, D.P.C.



Leigh G. Jones, PLA
Managing Landscape Architect

JED/LGJ/jms



Johanna E. Duffy, CWB, PWS®
Senior Managing Environmental Scientist

Robyn Steinberg

From: SUSAN SIEGEL <BOOKHUNTERPRESS@VERIZON.NET>
Sent: Tuesday, November 23, 2021 11:06 AM
To: Robyn Steinberg
Subject: Comments for Par 3 public hearing
Attachments: par 3_memo to pb nov 23 2021.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For the record, attached are my comments for the November 22, 2021 public hearing on the Par 3 golf course. Please share with the Planning Board.

Susan Siegel
914-245-2661
bookhunterpress@verizon.net

NOV 22 2021

TOWN OF YORKTOWN

MEMO

TO: Planning Board
FROM: Susan Siegel
SUBJECT: Par 3 application: Comments for 11/22/21 adjourned public hearing
DATE: November 23, 2021

The following comments are pursuant to the Board's decision on November 22, 2021 to close the public hearing on the Par 3 golf course but leave the record open for written comments.

It is abundantly clear from the September 16, 21 memo from Barton & Loguidice to the Planning Board that the mitigation plan for the Par 3 golf course is woefully inadequate.

As the memo speaks for itself, my comments will not repeat the plan's deficiencies.

What is shocking, but alas not surprising, is the fact that in the two months since the memo was written – and I assume shared with the applicant – the deficiencies in the mitigation plan were not addressed for the November 22, 2021 adjourned public hearing.

In addition to the deficiencies in the mitigation plan, the B&L memo notes that the application requires permits from the U.S. Army Corps and the NYS DEC. What steps are being taken in that regard?

Given the above, it is clear that the Planning Board will need additional information from the applicant at future meetings before considering a decision statement on the application.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown, Planning Board, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Par 3 Golf Course aka Valley Fields Golf Course

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Restoration and renovation of existing Par 3 golf course and clubhouse.

Premises located along 795 Route 6 Shrub Oak, NY

Section 16.07 Block 1 Lot 38

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

795 Route 6 Shrub Oak, Westchester County

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

- 1) This negative declaration is based on a Short Environmental Assessment Form last revised February 28, 2020.
- 2) The plan conforms to the Town's Land Use and Zoning Policies.
- 3) The site is an existing par 3 golf course and clubhouse.
- 4) The Applicant has proposed a tree and shrub planting plan to mitigate the trees that were removed to renovate the golf course tees.
- 5) The Applicant will provide plantings along the stream that flows through the site to mitigate the disturbance to the wetlands to restore the golf course.
- 6) The site will still provide flood attenuation when conditions result in flooding of this area.
- 7) After evaluating the relevant areas of environmental concern, the Planning Board concludes that there will be no significant adverse impacts on the environment as a result of the approval of the proposed development of the subject site.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Robyn Steinberg, Town Planner

Address: 1974 Commerce Street, Yorktown Heights, NY 10598

Telephone Number: 914-962-6565

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750 (Type One Actions only)

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN, STORMWATER POLLUTION PREVENTION PLAN,
WETLAND PERMIT AND TREE PERMIT FOR THE
TOWN OF YORKTOWN PAR 3 GOLF COURSE
AKA VALLEY FIELDS GOLF COURSE**

RESOLUTION NUMBER: #00-00

DATE:

On motion of _____, seconded by _____, and unanimously voted in favor by Fon, LaScala, Bock, and Garrigan, the following resolution was adopted:

WHEREAS in accordance with the Planning Board's Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969 and as amended, a formal application for the approval of a site plan titled "Valley Fields Golf Course," prepared by Revans Design, P.E., P.C., dated April 7, 2021, was submitted to the Planning Board on behalf of R. C. Recreation Development Corp., LLC (hereinafter referred to as "the Applicant"); and

WHEREAS the property owned by the Town of Yorktown is located at 795 Route 6, Shrub Oak, also known as Section 16.07, Block 1, Lot 38 on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"); and

WHEREAS on August 5, 2014, the Town Board adopted Resolution #321 awarding the request for proposals to manage, operate and maintain the Valley Field Golf Course and Restaurant Concession to RC Recreational Development, LLC; and

WHEREAS on August 12, 2014, the Town Board adopted Resolution #353 authorizing the Supervisor to sign agreements for the management, operation, and maintenance of Valley Field Golf Course (formerly known as Shallow Creek Golf Course and Indian Valley Par 3 Golf Course); and

WHEREAS pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on <DATE>.
3. A negative declaration has been adopted on <DATE> on the basis of a Short EAF dated February 28, 2020.

WHEREAS the applicant has submitted as part of his application the following maps and documents:

1. A parking plan, Sheet 1 of 1, titled "Valley Fields Golf Course," prepared by Revans Design, P.E., P.C., dated April 7, 2021; and

2. A plan, titled “Tree & Shrub Planting Plans for Old Shallow Creek Golf Course 2021” dated April 30, 2021 that includes a tree & shrub planting plan titled, “Shallow Creek Golf Learning Center,” submitted on March 12, 2021, and a tree & shrub planting plan titled Field Stone Golf Learning Center submitted on March 15, 2021; and
3. A survey, titled “Topographic Survey for R C Development LLC,” prepared by Badey & Watson Surveying & Engineering, P.C., dated January 20, 2016 and last revised February 3, 2016; and
4. A drawing titled, “Valley Fields Golf Course,” prepared by Golf Course Designs, LLC, and dated December 9, 2014; and
5. A drawing, sheet 1 of 6, titled, “Master Plan,” prepared by Arnold Palmer Design Company, and dated June 30, 2016; and
6. A drawing, sheet 2 of 6, titled, “Stripping Plan,” prepared by Arnold Palmer Design Company, and dated June 30, 2016; and
7. A drawing, sheet 3 of 6, titled, “Grading & Drainage Plan,” prepared by Arnold Palmer Design Company, and dated June 30, 2016; and
8. A drawing, sheet 4 of 6, titled, “Grassing Plan,” prepared by Arnold Palmer Design Company, and dated June 30, 2016; and
9. A drawing, sheet 5 of 6, titled, “Miscellaneous Details,” prepared by Arnold Palmer Design Company, and dated June 30, 2016; and
10. A drawing, sheet 6 of 6, titled, “Miscellaneous Details,” prepared by Arnold Palmer Design Company, and dated June 30, 2016; and
11. A narrative and sketches titled, “Mitigation Plan for Par 3 Golf Course,” submitted on August, 16 2021; and

WHEREAS the applicant must provide at least five parking spaces for each hold, plus one space for each two employees, thereby requiring a total of 50 parking spaces, and the applicant has shown on the site plan 47 parking spaces within the existing parking lot and 2 parking spaces within an existing garage for a total of 49 parking spaces and the site is adjacent to an existing commuter parking lot where at least 1 additional parking space is available; and

WHEREAS the Town obtained a change of use approval from the Westchester County Board of Health approval for a full service food service establishment subject to the conditions listed in their letter dated August 17, 2015, which included the condition that the restaurant is

permitted to have 42 seats; and

WHEREAS the sixty-seven protected trees were removed in February 2019 at the site and the applicant has submitted a landscape plan that proposes 90 tree planting locations at the site and this is shown on the Tree & Shrub Planting Plans listed herein; and

WHEREAS the Applicant obtained coverage under SPDES General Permit for Stormwater Discharges from Construction Activity and the Stormwater Pollution Prevention Plan must be implemented in accordance with GP-0-20-001; and

WHEREAS the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

Boards & Agencies	Report Date
Conservation Board	
Planning Department	08/07/20, 11/5/2020, 5/24/2021
Town Engineer	09/10/20
Tree Conservation Advisory Commission	09/13/18, 5/10/2021
NYSDEC	07/24/20
Westchester County Planning Board	10/30/20

WHEREAS the requirements of this Board's Land Development Regulations, Town Code Chapter 195, have been met; and

WHEREAS having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing held in accordance with §195-39(B)(2) of the Yorktown Town Code on the said site plan application on September 14, 2020, October 26, 2020, and May 10, 2021 by video conferencing and November 22, 2021 by in person meeting held at Yorktown Town Hall;

BE IT NOW RESOLVED that the application of RC Recreational Development, LLC for the approval of the plans listed herein, be approved subject to the modifications and conditions listed below, and that the Chairman of this Board be and hereby is authorized to endorse this Board's approval of said plan upon compliance by the applicant with such modifications and requirements as noted below:

Modify plans to show:

1. _____
2. _____

Additional requirements prior to signature by the Planning Board Chairman:

1. _____
2. _____
3. _____

Additional requirements prior to issuance of a certificate of occupancy:

1. Proposed plan must comply with all current applicable ADA standards.
2. Applicant must obtain all necessary permits from outside agencies.
3. Modify the landscape plan to include wetland and stream plantings along the watercourse running through the golf course generally following the sketch and narrative submitted on August, 16 2021 to the satisfaction of the Planning Board; and
4. Modify the landscape plan to include tree plantings of ___ trees generally following the tree and shrub planting plans as enumerated in the submitted application materials above to the satisfaction of the Planning Board; and
5. Submission of a final landscaping plan showing tree planting locations, and stream and wetland plantings, in addition to any other decorative landscaping proposed to the satisfaction of the Planning Board; and

BE IT FURTHER RESOLVED, that in accordance with Town Code Chapter 178, Chapter 248, and Chapter 270, the application of RC Recreational Development, LLC for the approval of a Wetland, Stormwater Pollution Prevention Plan, and Tree Permit **#WP-FSWPP-T-000-00** is approved subject to the conditions listed therein; and

RESOLVED, Permit **#WP-FSWPP-T-000-00** shall not be valid until it has been signed by the Chairman of this Board;

BE IT FURTHER RESOLVED that unless a building permit has been issued by **<DATE>**, or a time extension has been granted by the Planning Board, this approval will be null and void.

Boniello Equities Subdivision

Boniello Development
165 Waccabuc Rd
Goldens Bridge, NY 10526



RE: Proposed Subdivision of 2212, 2214, 2216 and 2220 Crompond Road,
Yorktown NY

The attached application proposes the subdivision of land to construct two (2) new dwellings adjacent to existing dwellings located at 2212, 2214, 2216 and 2220 Crompond Road, Yorktown NY. The new dwellings are to be subdivided from the three (3) tax lots Section 37.09, Block 1, Lot 67; Section 37.09, Block 1, Lot 70; Section 37.09, Block 1, Lot 71. Both the new and existing dwellings would meet the minimum lot area requirement of 20,000sqft. The 2 new dwellings driveways would access existing private road which intersects with route 202. Utilities including electric, water and sewer for the new dwellings are located on the property and can be tapped into without disruption to route 202.

Sincerely,


Jared Boniello

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Boniello Development Corporation			
Name of Action or Project: Boniello Equities Crompond Road Subdivision			
Project Location (describe, and attach a location map): Adjacent to properties 2212, 2214, 2216 and 2220 Crompond Road, Yorktown NY, 10598			
Brief Description of Proposed Action: Constructing two (2) new dwellings on two (2) adjacent lots. The total area of the two lots is approximately 40,000 sqft. The site work required will consist of stripping and stockpiling topsoil, excavating for two new structures, back filling and regrading up to the new structures. The estimated site disturbance will be approximately 20,000 sqft			
Name of Applicant or Sponsor: Gus Boniello		Telephone: (914) 523-5046	
		E-Mail: GTBoniello@aol.com	
Address: 165 Waccabuc Road			
City/PO: Goldens Bridge		State: New York	Zip Code: 10526
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Westchester County Department of Health			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 1 acres	
b. Total acreage to be physically disturbed?		_____ 0.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 2.5 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u> If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. <u>Does the proposed action meet or exceed the state energy code requirements?</u> If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u> If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u> If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. <u>Does the site contain a structure that is listed on either the State or National Register of Historic Places?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. <u>Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. <u>Identify the typical habitat types that occur on, or are likely to be found on the project site.</u> Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. <u>Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. <u>Is the project site located in the 100 year flood plain?</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. <u>Will the proposed action create storm water discharge, either from point or non-point sources?</u> If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Cultec fields will be installed on each of the properties to treat any new water runoff created by the development of the sites</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Gus Boniello</p>		<p>Date: 11/04/2021</p>
<p>Signature: </p>		

TOWN OF YORKTOWN PLANNING BOARD

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

APPLICATION FOR APPROVAL OF A MINOR SUBDIVISION PLAT OR PRELIMINARY APPROVAL OF A MAJOR SUBDIVISION PLAT

Date 11/04/2021

1. Name of Project: Boniello Equities Crompond Road Subdivision

2. Tax Map Designation: Section 37.09 Block 1 Lot 67, 70, 71

3. Zone: R2 Acreage: 40,000 sqft

4. Total number of lots proposed: 2

5. Project narrative (brief description of proposed development):

Subdivide land to construct two (2) new dwellings adjacent to existing dwellings located at 2212, 2214, 2216 and 2220 Crompond Road, Yorktown NY.

Both the new and existing dwellings would meet the minimum lot area requirement of 20,000sqft. The 2 new dwellings driveways would access existing private road.

Utilities including electric, water and sewer for the new dwellings are located on the property and can be tapped into without disruption to route 202.

6. Contact Person - CHOOSE ONLY ONE:

Applicant
 Attorney

Owner
 Engineer

Architect
 Surveyor

Wetland Scientist
 Landscape Architect

7. Applicant

Name Gus Boniello
Firm Boniello Development Corporation
Address 165 Waccabuc Rd, Goldens Bridge, NY 10526
Phone (914) 523-5046
Fax (914) 232-4063
Email GTBoniello@aol.com

8. Owner of Record

Name Gus Boniello
Firm Boniello Equities LTD
Address 165 Waccabuc Rd, Goldens Bridge, NY 10526
Phone (914) 523-5046
Fax (914) 232-4063
Email GTBoniello@aol.com

9. Attorney

Name Stephen Brotmann
Firm Brotmann Law Group
Address 2 Westchester Park Drive, Suite 108, White Plains, NY 10604
Phone (914) 694-6200
Fax (914) 509-1917
Email SJMB@Brotmannlaw.com

10. Engineer

Name Anthony Pisarri
Firm Anthony Pisarri P.E. P.C.
Address 3 Rosalind Drive, Cortlandt Manor, NY 10567
Phone (914) 739-6580
Fax (914) 734-9121
Email APisarri@aol.com
Lic. No. _____

11. Surveyor

Name Eric Link
Firm Link Land Surveyors
Address 21 Clark Place, Suite 1B, Mahopac, NY 10541
Phone (845) 628-5857
Fax (845) 621-0013
Email ELink@linklandsurveyors.com
Lic. No. _____

12. Architect

Name N/A
Firm _____
Address _____
Phone _____
Fax _____
Email _____
Lic. No. _____

13. Wetland Scientist/Specialist

Name N/A
Firm _____
Address _____
Phone _____
Fax _____
Email _____

14. Landscape Architect

Name N/A
Firm _____
Address _____
Phone _____
Fax _____
Email _____
Lic. No. _____

15. Is this project within 500 feet of the Town line? Yes No
16. Is this project within 500 feet of the Putnam County line? Yes No
17. Is this project within the Sustainable Development Study Area? Yes No

18. Is this project within 500 feet of:
- The right-of-way of any existing or proposed state or county road? Yes No
 - The boundary of an existing or proposed state or county park or any state or county recreation area? Yes No
 - The boundary of state or county-owned land on which a public building/institution is located? Yes No
 - An existing or proposed county drainage line? Yes No
 - The boundary of a farm located in an agricultural district? Yes No

19. Does the entire development plan for this project propose the disturbance of more than 5,000 SF of land? Note: If project is phased, include all phases in determination. Yes No

20. This project requires the following permits or approvals from the Town of Yorktown:

- Wetland Permit
- Stormwater Permit
- Tree Permit
- Planning Board special permit: Minor Subdivision
- Town Board variance or approval: _____
- Zoning Board of Appeals variance or special permit: _____

21. This project requires the following permits or approvals from other outside agencies:

- Westchester County Board of Health
- NYC DEP
- NYS DEC
- Other: _____

22. This parcel is in the following districts:

School District Yorktown Heights Water District Yorktown Heights
Fire District Yorktown Heights Sewer District Yorktown Heights

23. Is a statement of easements relating to property attached? Yes None exist

A Long Form/Full EAF with the original signature of the applicant must be attached to this application when submitted. The signature of the applicant's design professional or attorney is not acceptable.

The applicant agrees to comply with the requirements of the Road Specifications, the Land Use Regulations, Zoning Ordinance, Tree Removal and Excavation ordinance, and any additions or amendments thereto.

The applicant agrees to execution and delivery of deeds and required documents for reserved parks/recreation/open space/drainage control, roads and road widening strips and descriptions of easements at the time of the public hearing. Such execution and delivery shall not operate to vest title of said property in the Town of Yorktown until such dedication is accepted in the form of a resolution adopted by the Town Board at a regular meeting of said Board.

The execution and delivery of the deeds to the roads in the proposed subdivision as provided for by the terms of the deeds to the roads in the proposed subdivision as provided for by the terms of the approving resolution shall not operate to vest title of said roads in the Town of Yorktown until such deed is accepted in the form of a resolution adopted by the Town Board at regular meeting of said Board.

This application shall be considered officially submitted when all plans and date required by Land Development Regulations, including final reports from the Director of Planning and Town Engineer are received by the Board.

Applicant

Gus Boniello
NAME (PLEASE PRINT)
[Signature]
SIGNATURE
11-8-21
DATE

Owner of Record

Gus Boniello
NAME (PLEASE PRINT)
[Signature]
SIGNATURE
11-8-21
DATE

Note: If the property owner is not the applicant for this application, in addition to the signature above, the owner of the property must also complete and have notarized one of the owner affidavits on the following page.

Note: By signing this document the owner of the subject property grants permission for Town Officials to enter the property for the purpose of reviewing this application.

REFER TO AFFIDAVITS ON THE FOLLOWING PAGES

ONE OF THE FOLLOWING AFFIDAVITS MUST BE COMPLETED

AFFIDAVIT TO BE COMPLETED BY OWNER, OTHER THAN CORPORATION

STATE OF NEW YORK; COUNTY OF WESTCHESTER SS. :

Jared Boniello, being duly sworn, deposes and says that he is the owner in fee of the property described in the foregoing application for consideration of preliminary plat, and that the statements contained therein are true to the best of his knowledge and belief.

Jared Boniello

Sworn before me this 5th date of November, 2021

Reto Gray
Notary Public

[Faint notary seal and date stamp]

AFFIDAVIT TO BE COMPLETED BY CORPORATION OWNER

STATE OF NEW YORK; COUNTY OF WESTCHESTER SS. :

_____, being duly sworn, deposes and says that he resides at _____ in the County of _____ and State of _____. That he is the _____ of _____ the corporation which is owner in fee of the property described in the foregoing application for _____ and that the statements contained therein are true to the best of his knowledge and belief.

Sworn before me this _____ date of _____, 20__

Notary Public

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

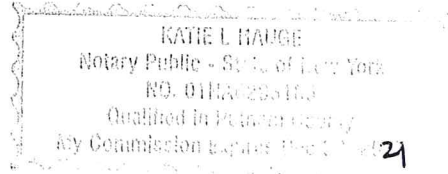
STATE OF NEW YORK; COUNTY OF WESTCHESTER SS.:

Jared Boniello, being duly sworn, deposes and says that he is the agent named in the foregoing application for _____ and that he has been duly authorized by the owner in fee to make such application and that foregoing statements are true to the best of his knowledge and belief.

Jared Boniello

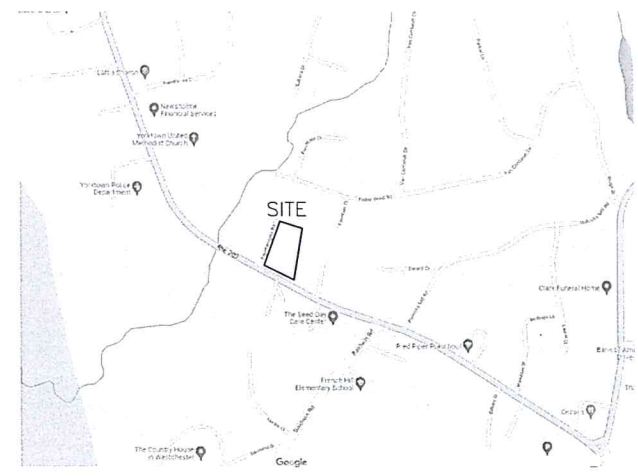
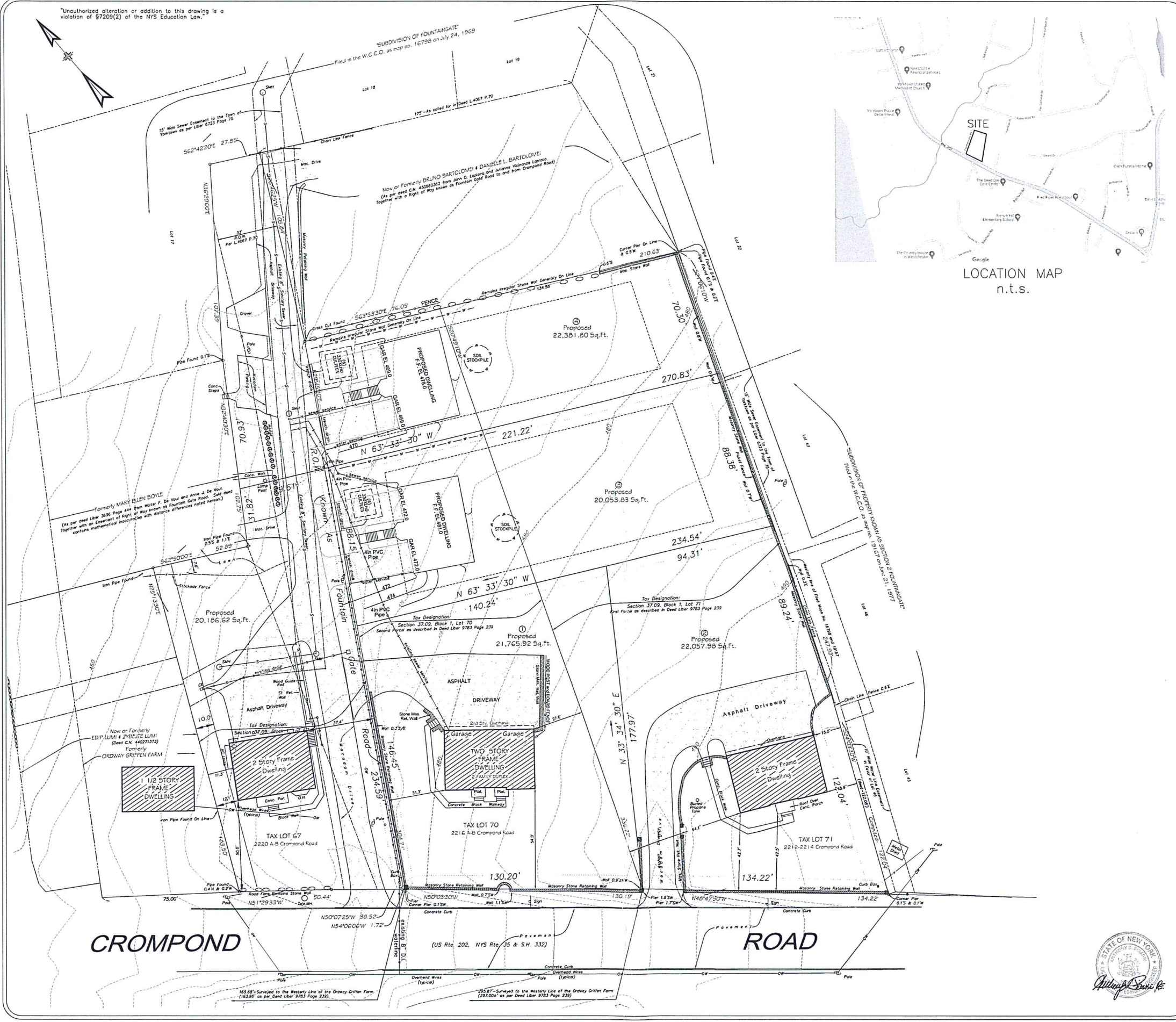
Sworn before me this 5th date of November, 2021

Kate Hoyf
Notary Public



F:\Office\WordPerfect\APPLICATION FORMS\APPMIN.wpd
Last updated: December 2011

Unauthorized alteration or addition to this drawing is a violation of §7209(2) of the NYS Education Law.



LOCATION MAP
n.t.s.

CROMPOND ROAD SUBDIVISION
BONIELLO DEVELOPMENT CORP - CROMPOND ROAD
YORKTOWN HEIGHTS, N.Y. 10598

SHEET 2021-30-01
SCALE 1"=20'
FILE D:\LAND\2021\BONIELLO\HALLOCKS
DATE 10/25/2021

ANTHONY S. PISARRI, P.E., P.C.
CONSULTING ENGINEER
3 Rosolind Drive, Cortlandt Manor, N.Y. 10567



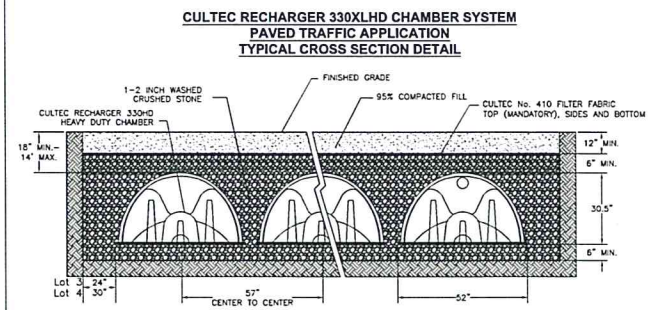
CROMPOND

ROAD

165.62'-Surveyed to the Western Line of the Gray Griffin Farm (163.94' as per Deed Libr 9783 Page 233)

225.87'-Surveyed to the Western Line of the Gray Griffin Farm (229.700' as per Deed Libr 9783 Page 233)

Cultec 330 XLHD Recharger System



GENERAL NOTES
 RECHARGER 330XLHD BY CULTEC, INC. OF BROOKFIELD, CT. REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
 ALL RECHARGER 330XLHD CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. ALL RECHARGER 330XLHD HEAVY DUTY LINES ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.

CULTEC, Inc.
 P.O. Box 280
 878 Federal Road
 Brookfield, CT 06804 USA

Ph: (203) 775-4416
 Ph: (800) 4-CULTEC
 Fx: (203) 775-1452
 www.cultec.com

CULTEC Contactor® and Recharger®
 Plastic Septic and Stormwater Chambers

Cultec 330 XLHD recharger calculation:

Hallocks Mill Subdivision	Unit width	52
Lot 3	Unit spacing	57
Yorktown, New York	Installed length in ft	7
	height	30.5

Perc Rate taken 8/2/2021
 Perc hole diameter 8 inches

Side area of drop in perc hole = 0.174 s.f.
 Stabilized perc rate 1 inch in 13 minutes
 Volume of drop = 0.0291 c.f.
 Soil Rate = vol/area/minute = 0.0011 c.f./s.f./min
 1.538 c.f./s.f./day

Assume 25% clogging factor 1.154 c.f./s.f./day **USE THIS PERC RATE**

From Cultec Spec Sheet Storage capacity / L.F. = 11.16 c.f./L.F.
 Layout: 3 rows of 2 units with 12" extra stone all around
 Bottom area for layout shown = L (ft) x W (ft)
 Length x Width of stone = 18 x 17.83 = 320.9 s.f.
 Bottom absorption in 24 hours = Bot area x perc rate = 370 c.f.

From Plans, area of new impervious =
 Proposed = 3,362 s.f.
 Existing = s.f.
 Net Change = 3,362 s.f.

Rainfall required =
 Proposed C_o = 98 100 year storm = 9.24 in. 9.00 in.
 Existing is "C" soil, good condition, CN=74Er = 6.05 in. 6.05 in.
 Net increase in Er = 2.95 in. 2.95 in.

Increase in runoff =
 Less bottom absorption = 370 c.f.
 Net increase in runoff = 456 c.f.

Length of recharger required = net increase / cultec capacity = 40.9 ft.
 Effective Length of each unit = 7.00 ft.
 Number of Units required = Length req'd / Eff. Length = 5.84 REQ'D 6 units

Cultec 330 XLHD recharger calculation:

Hallocks Mill Subdivision	Unit width	52
Lot 4	Unit spacing	57
Yorktown, New York	Installed length in ft	7
	height	30.5

Perc Rate taken 8/2/2021
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Assume 25% clogging factor 1.154 c.f./s.f./day **USE THIS PERC RATE**

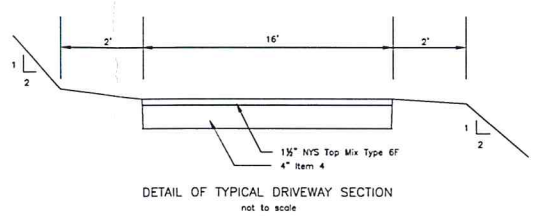
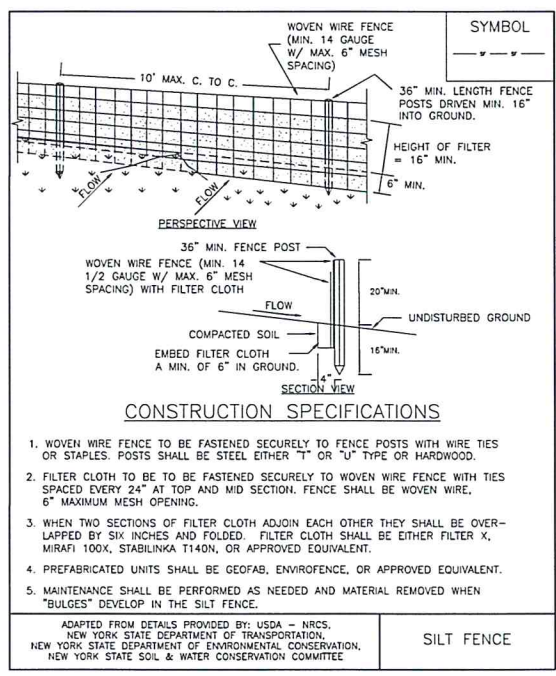
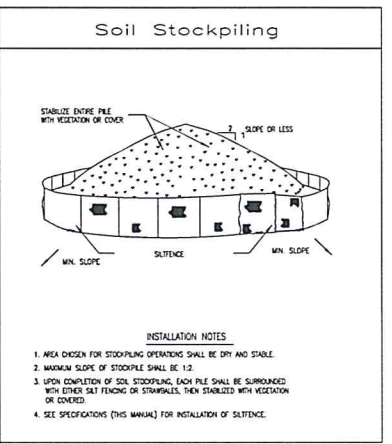
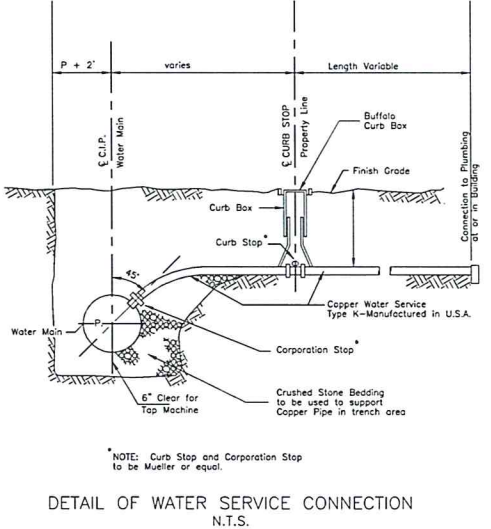
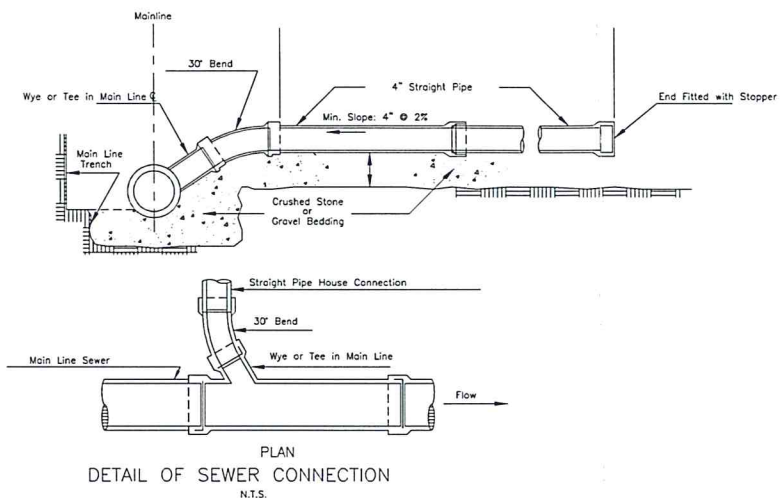
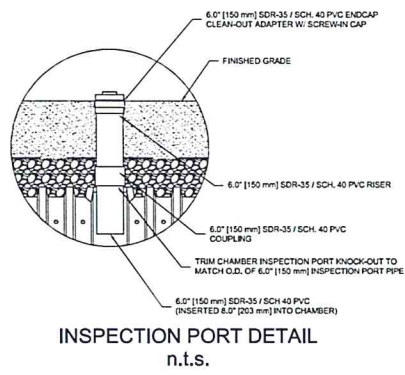
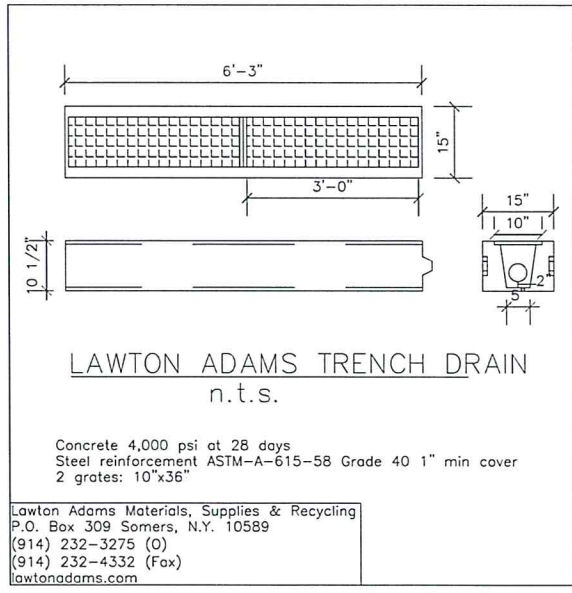
From Cultec Spec Sheet Storage capacity / L.F. = 11.16 c.f./L.F.
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 Bottom absorption in 24 hours = Bot area x perc rate = 413 c.f.

From Plans, area of new impervious =
 Proposed = 3,486 s.f.
 Existing = s.f.
 Net Change = 3,486 s.f.

Rainfall required =
 Proposed C_o = 98 100 year storm = 9.24 in. 9.00 in.
 Existing is "C" soil, good condition, CN=74Er = 6.05 in. 6.05 in.
 Net increase in Er = 2.95 in. 2.95 in.

Increase in runoff =
 Less bottom absorption = 413 c.f.
 Net increase in runoff = 444 c.f.

Length of recharger required = net increase / cultec capacity = 39.8 ft.
 Effective Length of each unit = 7.00 ft.
 Number of Units required = Length req'd / Eff. Length = 5.69 REQ'D 6 units



DETAIL SHEET FOR
 BONIELLO DEVELOPMENT CORP - CROMPOND ROAD
 YORKTOWN HEIGHTS, N.Y. 10598

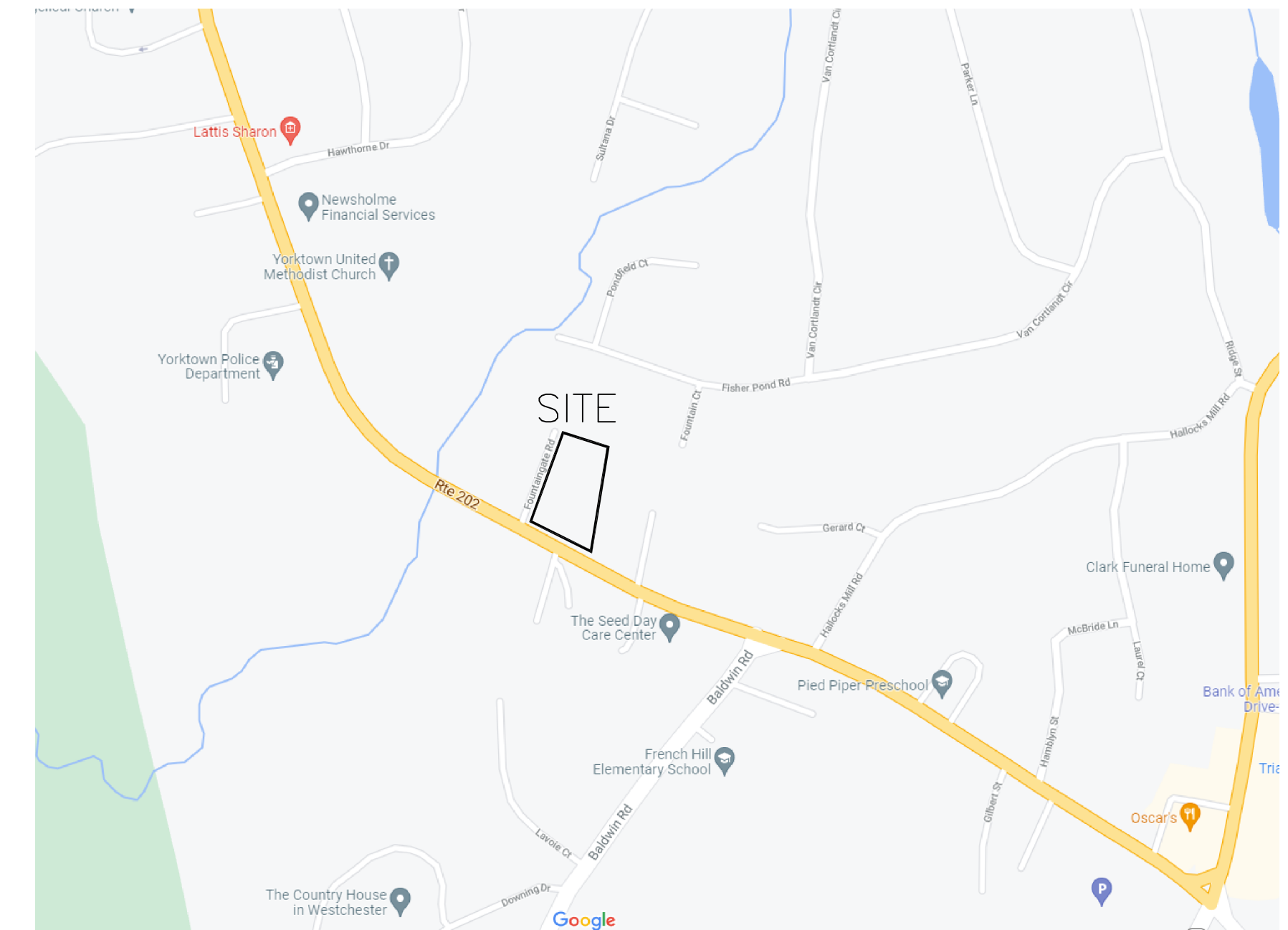
SHEET 2021-30-02
 SCALE AS NOTED
 FILE D:\LAND\27\BONIELLO\HALLOCKS
 DATE 10/25/2021

ANTHONY S. PISARRI, P.E., P.C.
 CONSULTING ENGINEER
 3 Roseland Drive, Cortlandt Manor, N.Y. 10567



Unauthorized alteration or addition to this drawing is a violation of §7209(2) of the NYS Education Law.

Unauthorized alteration or addition to this drawing is a violation of §7209(2) of the NYS Education Law.



LOCATION MAP
n.t.s.

CROMPOND ROAD SUBDIVISION
BONIELLO DEVELOPMENT CORP - CROMPOND ROAD
YORKTOWN HEIGHTS, N.Y. 10598

SHEET 2021-30-01
SCALE 1"=20'
FILE D:\LAND\2021\BONIELLO HALLOCKS
DATE 10/25/2021

ANTHONY S. PISARRI, P.E., P.C.
CONSULTING ENGINEER
3 Roslind Drive, Cortlandt Manor, N.Y. 10567



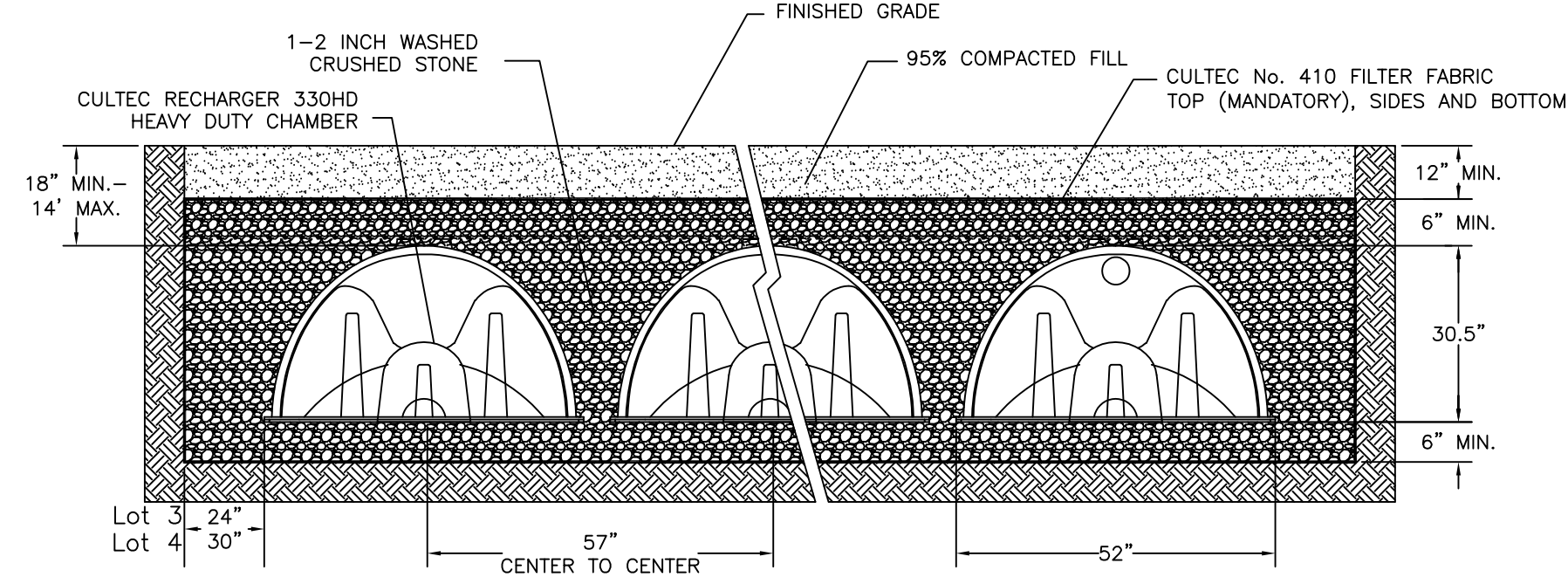
CROMPOND

ROAD

165.68'-Surveyed to the Westerly Line of the Ordway Griffen Farm (163.96' as per Deed Liber 9783 Page 239)
285.87'-Surveyed to the Westerly Line of the Ordway Griffen Farm (297.00' as per Deed Liber 9783 Page 239)

Cultec 330 XLHD Recharger System

CULTEC RECHARGER 330XLHD CHAMBER SYSTEM PAVED TRAFFIC APPLICATION TYPICAL CROSS SECTION DETAIL



GENERAL NOTES
RECHARGER 330XLHD BY CULTEC, INC. OF BROOKFIELD, CT. ALL RECHARGER 330XLHD CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES. ALL RECHARGER 330XLHD HEAVY DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.

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Cultec 330 XLHD recharger calculation:

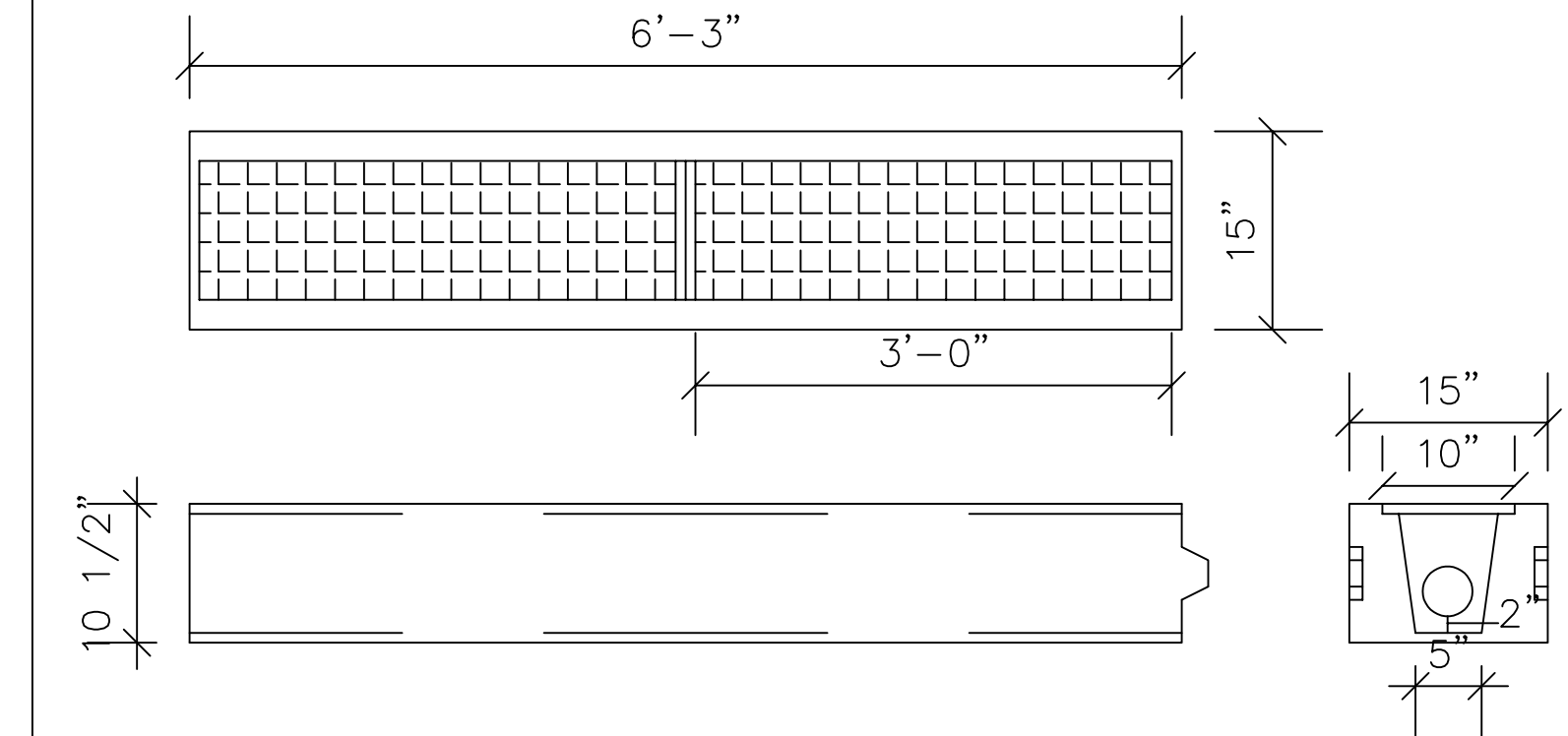
Hallocks Mill Subdivision Lot 3 Yorktown, New York	Unit width Unit spacing installed length in ft = height =	52" 57" 7' 30.5'
Perc Rate taken 8/2/2021 Perc hole diameter 8 inches		
Side area of drop in perc hole =	0.174 s.f.	
Stabilized perc rate 1 inch in 13 minutes Volume of drop =	0.0291 c.f.	
Soil Rate = vol/area/minute =	0.0011 c.f./s.f./min 1.538 c.f./s.f./day	
Assume 25% clogging factor	1.154 c.f./s.f./day	USE THIS PERC RATE

From Cultec Spec Sheet, Storage capacity / L.F. =	11.16 c.f./l.f.
Layout: 3 rows of 2 units with 12" extra stone all around	
Bottom area for layout shown = L (ft) x W (ft)	18 x 17.83 = 320.9 s.f.
Length x Width of storage =	320.9 s.f.
Bottom absorption in 24 hours = Bott area x perc rate	370 c.f.
From Plans, area of new impervious =	
Proposed =	3,362 s.f.
Existing =	- s.f.
Net Change =	3,362 s.f.
Rainfall required =	
Proposed Cn = 98 100 year storm = 9.24 in	9.00 in.
Existing is "C" soil, good condition, CN=74 Er =	6.05 in.
Net increase in Er =	2.95 in.
Increase in runoff =	826 c.f.
Less bottom absorption	370 c.f.
Net increase in runoff =	456 c.f.
Length of recharger required = net increase / cultec capacity =	40.9 ft.
Effective Length of each unit =	7.00 l.f.
Number of Units required = Length req'd / Eff. Length =	5.84 REQ'D 6 units

Cultec 330 XLHD recharger calculation:

Hallocks Mill Subdivision Lot 4 Yorktown, New York	Unit width Unit spacing installed length in ft = height =	52" 57" 7' 30.5'
Perc Rate taken 8/2/2021 Perc hole diameter 8 inches		
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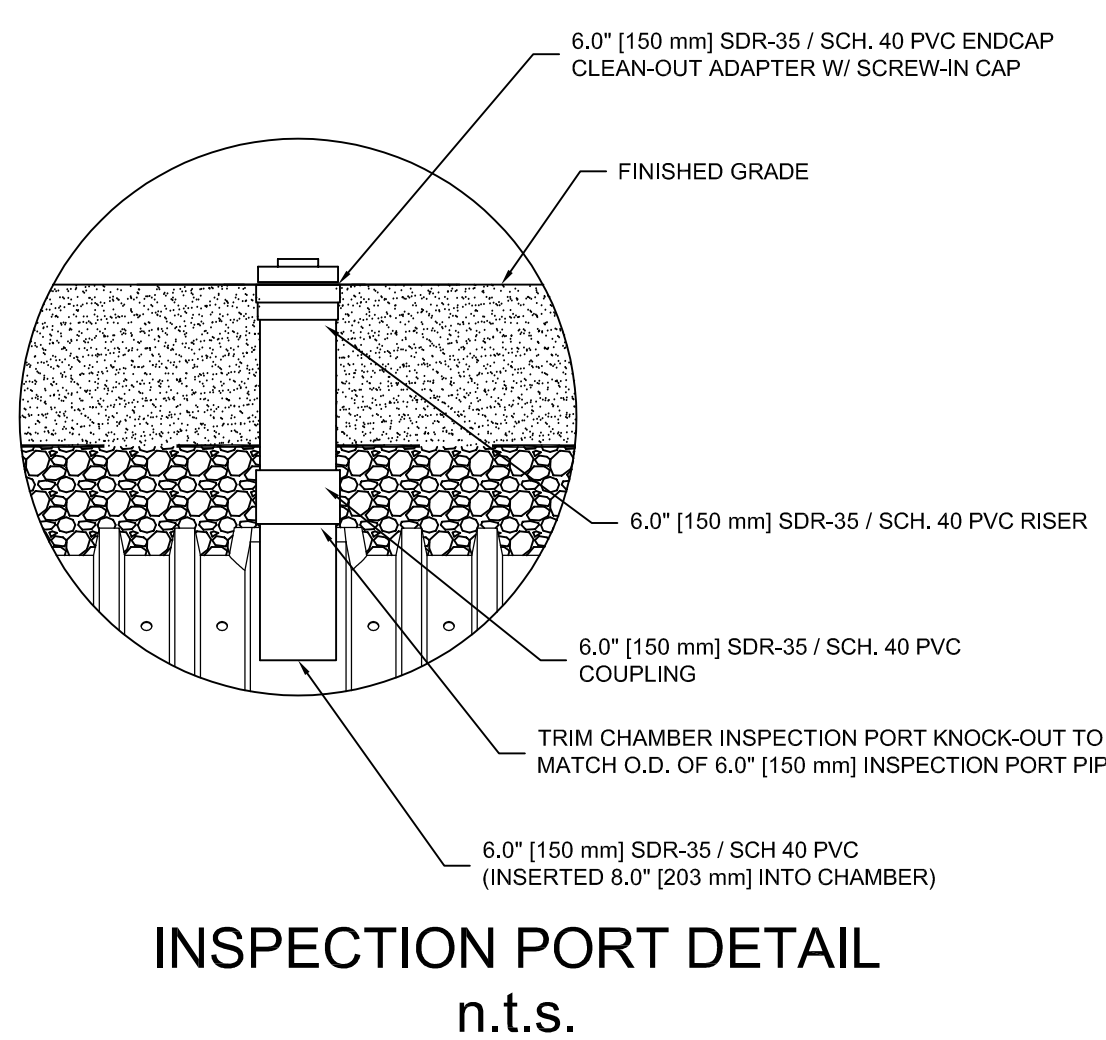
From Cultec Spec Sheet, Storage capacity / L.F. =	11.16 c.f./l.f.
Layout: 3 rows of 2 units with 18" extra stone all around	
Bottom area for layout shown = L (ft) x W (ft)	19 x 18.83 = 357.8 s.f.
Length x Width of storage =	357.8 s.f.
Bottom absorption in 24 hours = Bott area x perc rate	413 c.f.
From Plans, area of new impervious =	
Proposed =	3,486 s.f.
Existing =	- s.f.
Net Change =	3,486 s.f.
Rainfall required =	
Proposed Cn = 98 100 year storm = 9.24 in	9.00 in.
Existing is "C" soil, good condition, CN=74 Er =	6.05 in.
Net increase in Er =	2.95 in.
Increase in runoff =	857 c.f.
Less bottom absorption	413 c.f.
Net increase in runoff =	444 c.f.
Length of recharger required = net increase / cultec capacity =	39.8 ft.
Effective Length of each unit =	7.00 l.f.
Number of Units required = Length req'd / Eff. Length =	5.69 REQ'D 6 units



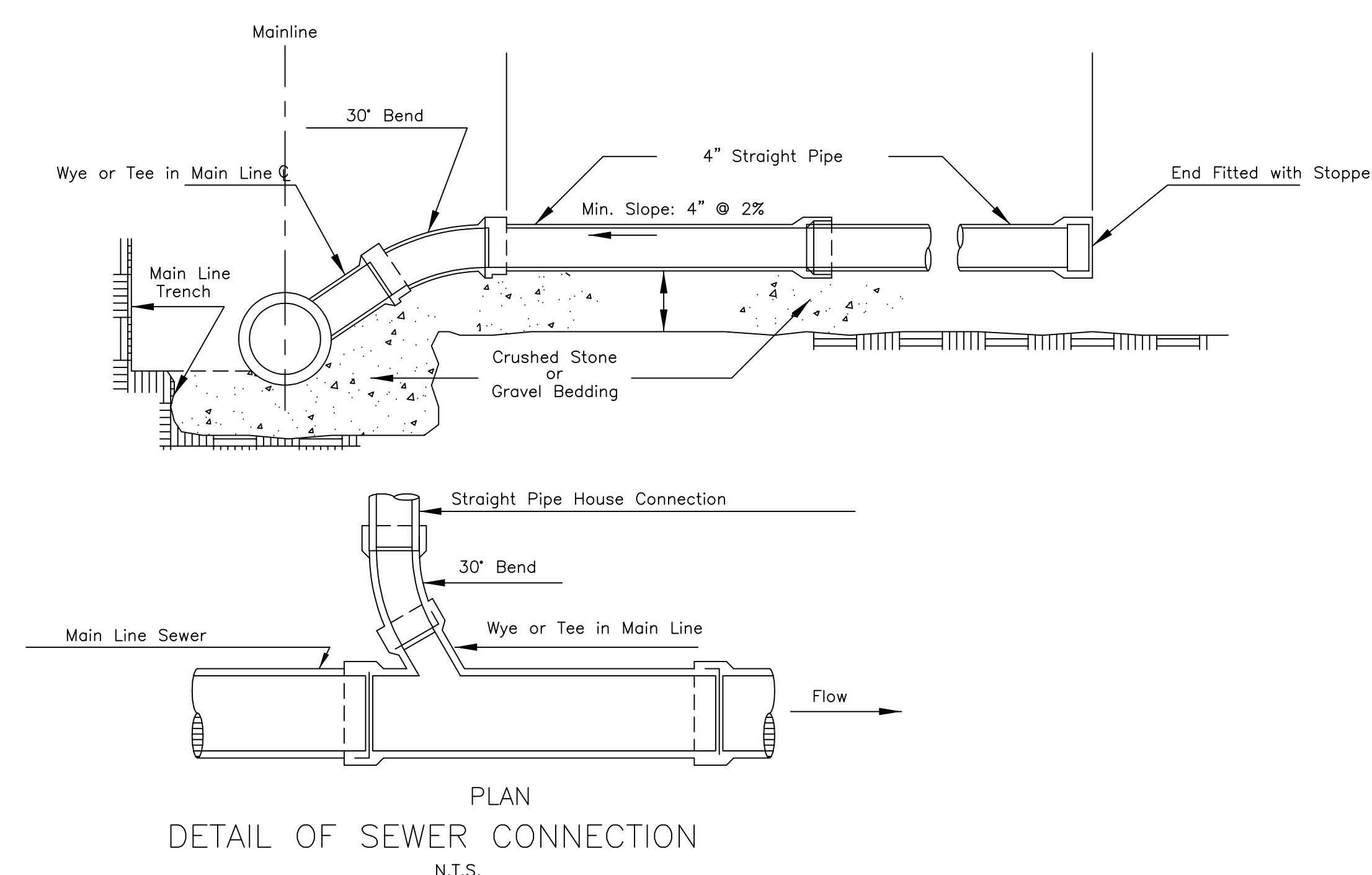
LAWTON ADAMS TRENCH DRAIN n.t.s.

Concrete 4,000 psi at 28 days
Steel reinforcement ASTM-A-615-58 Grade 40 1" min cover
2 grades: 10"x36"

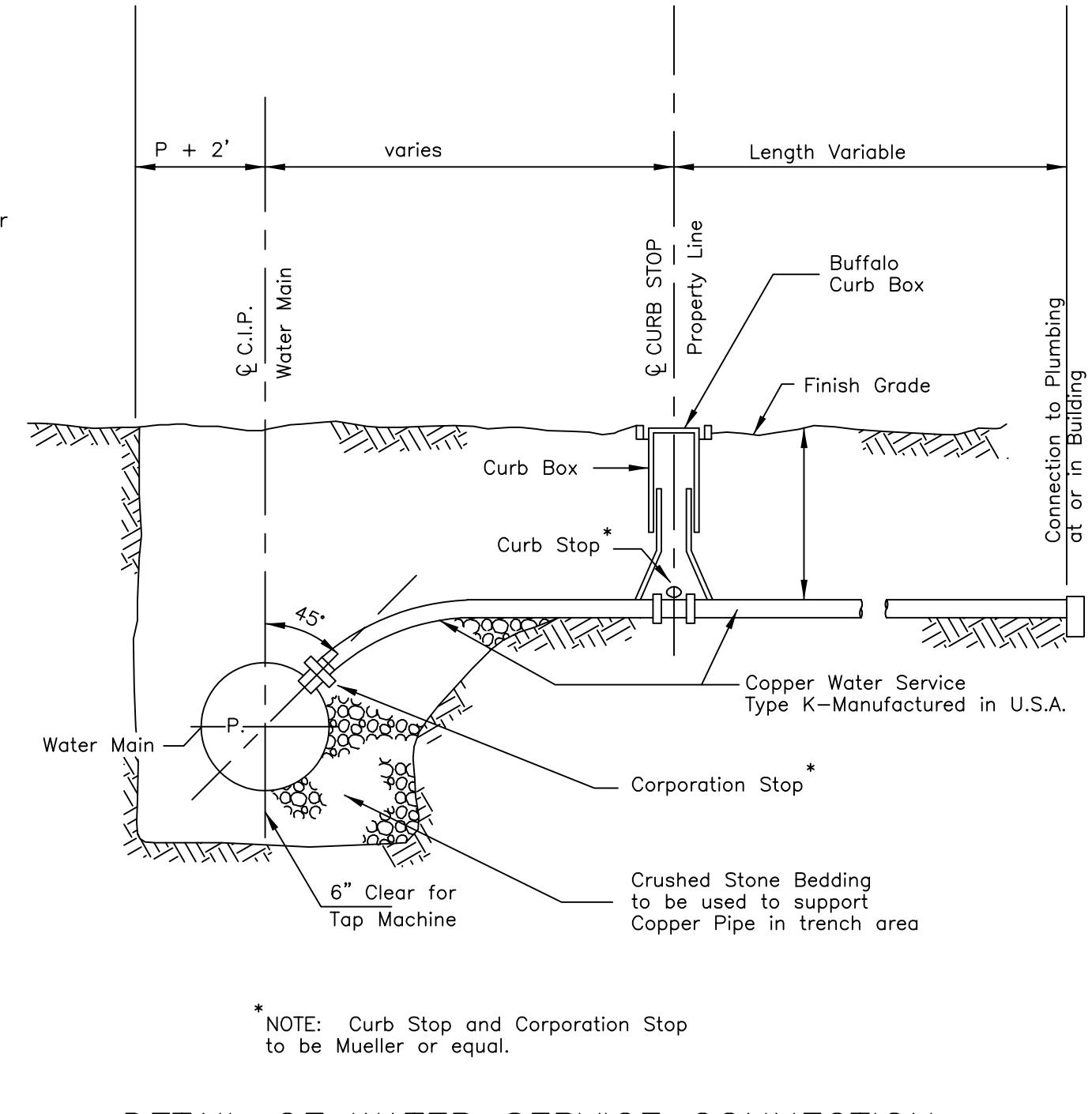
Lawton Adams Materials, Supplies & Recycling
P.O. Box 309 Somers, N.Y. 10589
(914) 232-3275 (O)
(914) 232-4332 (Fax)
lawtonadams.com



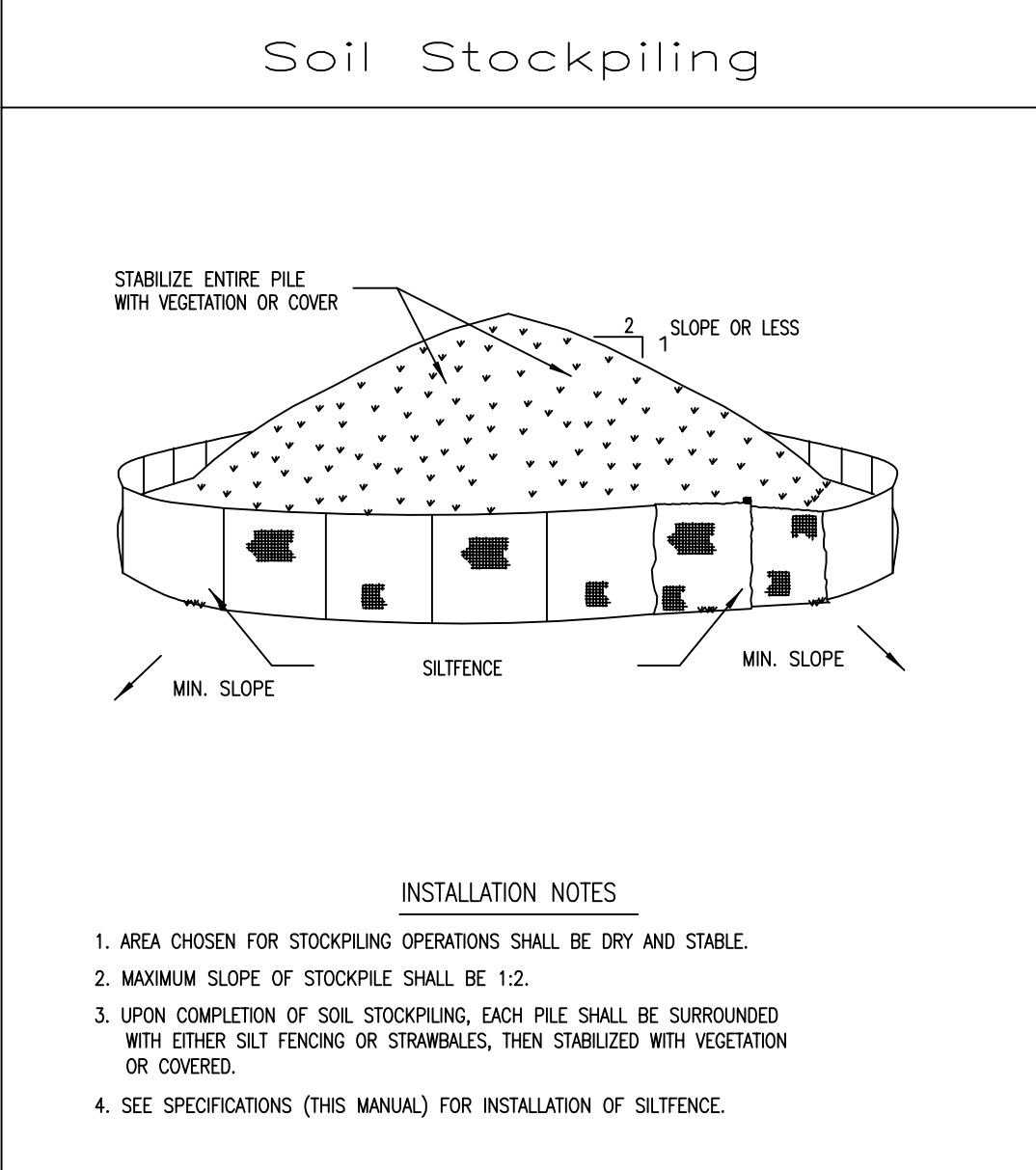
INSPECTION PORT DETAIL n.t.s.



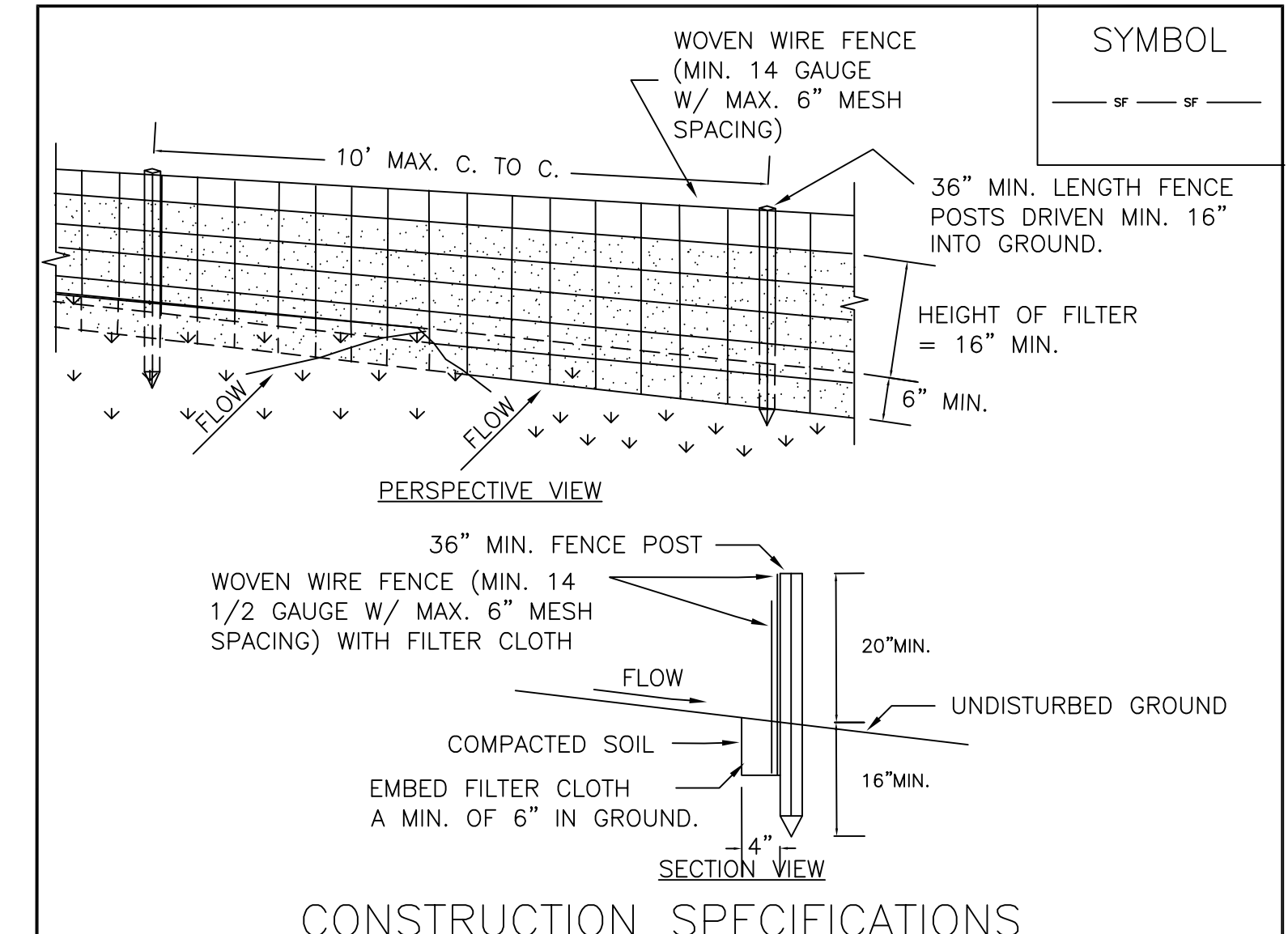
PLAN DETAIL OF SEWER CONNECTION N.T.S.



DETAIL OF WATER SERVICE CONNECTION N.T.S.



INSTALLATION NOTES
1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1:2.
3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH EITHER SILT FENCING OR STRAMBLES, THEN STABILIZED WITH VEGETATION OR COVERED.
4. SEE SPECIFICATIONS (THIS MANUAL) FOR INSTALLATION OF SILT FENCE.

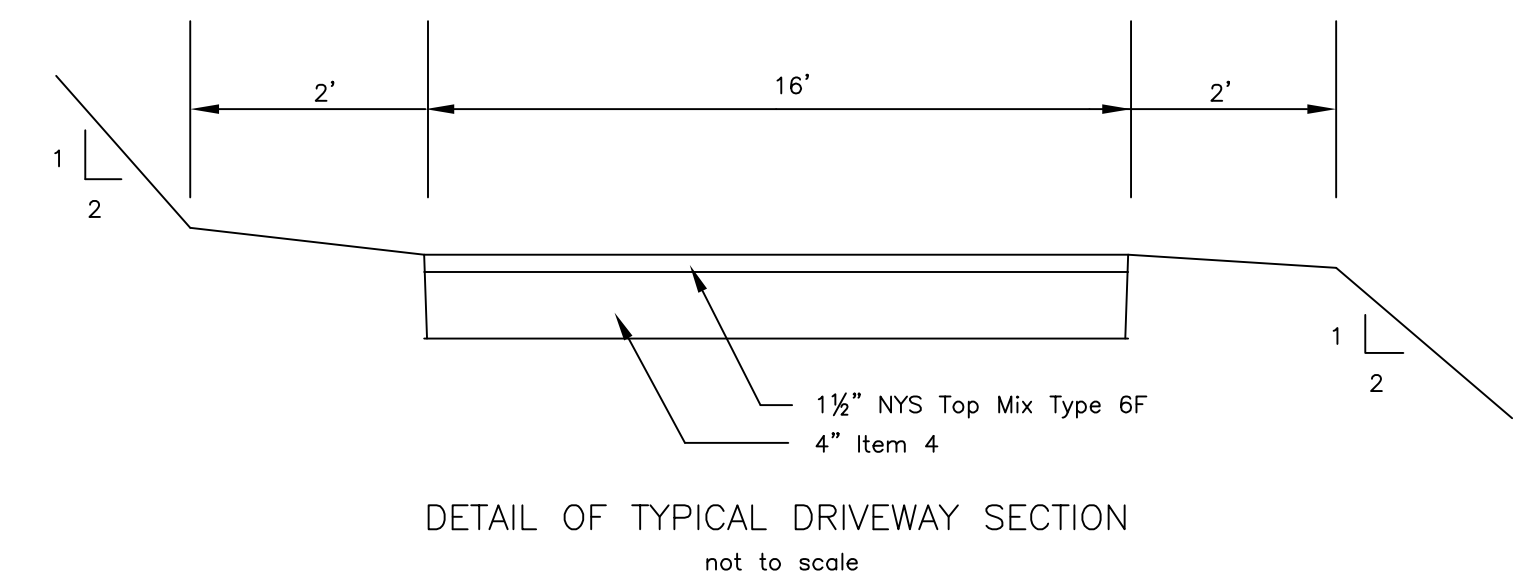


CONSTRUCTION SPECIFICATIONS

- WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
- FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 6" MAXIMUM MESH OPENING.
- WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
- PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
- MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

ADAPTED FROM DETAILS PROVIDED BY: USDA - NRCS,
NEW YORK STATE DEPARTMENT OF TRANSPORTATION,
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

SILT FENCE



DETAIL OF TYPICAL DRIVEWAY SECTION not to scale

DETAIL SHEET FOR
BONIELLO DEVELOPMENT CORP - CROMPOND ROAD
YORKTOWN HEIGHTS, N.Y. 10598

SHEET 2021-30-02
SCALE AS NOTED
FILE D:\LANDZK7\BONIELLO HALLOCKS
DATE 10/25/2021

ANTHONY S. PISARRI, P.E., P.C.
CONSULTING ENGINEER
3 Rosalind Drive, Cortlandt Manor, N.Y. 10567



"Unauthorized alteration or addition to this drawing is a violation of §7209(2) of the NYS Education Law."

Mongero Properties

LAW OFFICES OF GRACE & GRACE

The Grace Building
360 Underhill Avenue
Yorktown Heights, New York 10598-4517
(914) 962-6100 * Fax (914) 962-6181

Michael J. Grace *
William J. Grace

E.mail Gracelaw1@aol.com

November 16, 2021

RECEIVED
PLANNING DEPARTMENT

NOV 17 2021

TOWN OF YORKTOWN

Town of Yorktown
Planning Department
363 Underhill Avenue
Yorktown Height, New York 10598

**Re: Mongero Site Plan
Rte. 118 and Downing Road**

Dear John Tegeder:

As you know our office represents Mr. Mongero in regard to the approved site plan for his property located at the corner of Route 118 and Downing Drive.

At this time we would like to be put on an agenda at your earliest convenience to discuss an amended site plan. It is our desire to remove from the prior approval the conditions requiring the installation of a traffic signal and the requirement to build an access road to the site to town road specifications.

We thank you in advance for your anticipated cooperation and kind courtesies in this matter.

Very truly yours,

GRACE & GRACE

Michael J. Grace

cc: Town Planning Board

Town Board
Site Design Consultants

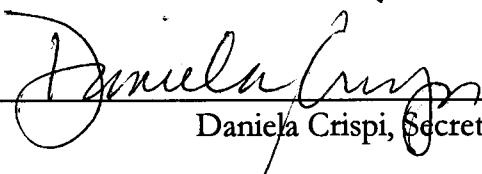
THIS IS TO CERTIFY that the attached copy is a true and correct copy of the Town of Yorktown Planning Board Resolution:

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING SITE PLAN
FOR MONGERO PROPERTIES, LLC**

DATE OF RESOLUTION: November 9, 2009

HEREBY signed by the secretary of the Planning Board:



Daniela Crispi, Secretary

11.24.09

Date

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING SITE PLAN
FOR MONGERO PROPERTIES, LLC**

RESOLUTION NUMBER: #09-28

DATE: NOVEMBER 9, 2009

On motion of Daniela Crispi, seconded by John Savoca, and unanimously voted in favor by Klaus, Flynn, Crispi, and Savoca, the following resolution was adopted:

WHEREAS in accordance with the Planning Board's Land Development Regulations adopted February 13, 1969 and as last revised July 1, 1999, a formal application for the approval of a site plan titled "Mongero Properties," Section 37.14 Block 1 Lot 44 ("the Property"), prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008, was submitted to the Planning Board on behalf of Mongero Properties, LLC (hereinafter referred to as "the Applicant") and the applicant has represented to this board that they are the lawful owners of the land within said site plan; and

WHEREAS an application fee of \$4,801.60 covering 2.20 acres in the C-1 zone has been received by this board; and

WHEREAS pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on November 9, 2009.
3. A negative declaration has been adopted on November 9, 2009 on the basis of a Full EAF dated August 29, 2007.

WHEREAS the applicant has submitted as part of his application the following maps and documents:

Site Plans

1. A map, Sheet 1 of 10, titled "Mongero Properties Site Plan," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
2. A map, Sheet 2 of 10, titled "Mongero Properties Existing Conditions Plan," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
3. A map, Sheet 3 of 10, titled "Mongero Properties Grading and Utility Plan," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
4. A map, Sheet 4 of 10, titled "Mongero Properties Profiles and AT&T Cable Relocation Plan," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;

5. A map, Sheet 5 of 10, titled "Mongero Properties Erosion and Sediment Control Plan," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
6. A drawing, Sheet 6 of 10, titled "Mongero Properties Erosion and Sediment Control Notes and Details," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
7. A drawing, Sheet 7 of 10, titled "Mongero Properties Sanitary Sewer Notes and Details," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
8. A drawing, Sheet 8 of 10, titled "Mongero Properties Water Notes and Details," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
9. A drawing, Sheet 9 of 10, titled "Mongero Properties Road, Curb and Sidewalk Details," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;
10. A drawing, Sheet 10 of 10, titled "Mongero Properties Stormwater Management Details," prepared by Site Design Consultants, dated December 3, 2007, and last revised June 18, 2008;

Wetland Mitigation Plans

11. A map, Sheet 1 of 1, titled "Mongero Properties Wetland Mitigation Plan," prepared by Environmental Design Consulting, dated February 19, 2008;

Building Elevations & Floor Plans

12. A drawing, Sheet A-101R, titled "Northern Prototype Yorktown Branch Floor Plan," prepared by H2L2 Architecture Planning Interior Design, dated March 31, 2008 and last revised April 9, 2008;
13. A drawing, Sheet A-201R, titled "Northern Prototype Yorktown Branch Exterior Elevations," prepared by H2L2 Architecture Planning Interior Design, dated April 17, 2008;
14. A drawing, Sheet A-202R, titled "Northern Prototype Yorktown Branch Exterior Elevations," prepared by H2L2 Architecture Planning Interior Design, dated April 17, 2008;

Intersection Improvement Plans

15. A drawing, Sheet 1 of 7, Drawing No. GN-1, titled "NYS Route 118 & Downing Drive General Notes," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;
16. A drawing, Sheet 2 of 7, Drawing No. TS-1, titled "NYS Route 118 & Downing Drive Typical Section and Miscellaneous Details," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;
17. A drawing, Sheet 3 of 7, Drawing No. CGD-1, titled "NYS Route 118 & Downing Drive Construction, Grading and Drainage Plan," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;
18. A drawing, Sheet 4 of 7, Drawing No. CGD-2, titled "NYS Route 118 & Downing Drive Construction, Grading and Drainage Plans," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;
19. A drawing, Sheet 5 of 7, Drawing No. SP-1, titled "NYS Route 118 & Downing Drive Signing and Striping Plan," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;
20. A drawing, Sheet 6 of 7, Drawing No. SP-21, titled "NYS Route 118 & Downing Drive Signing and Striping Plan," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;
21. A drawing, Sheet 7 of 7, Drawing No. T-1, titled "NYS Route 118 & Downing Drive Traffic Signal Plan," prepared by John Collins Engineers, P.C., dated April 2, 2008, and last revised June 30, 2008;

Reports

22. A Traffic Study prepared for Webster Bank, dated July 12, 2005, prepared by John Collins Engineers, P.C.;
23. A Wetland Functional Assessment Report prepared for Webster Bank, prepared by Stephen W. Coleman Environmental Consulting, LLC, dated February 12, 2006.

WHEREAS building materials and colors have been approved by the Advisory Board on Architecture & Community Appearance and are the following:

The exterior is to be red brick, Huston clay products, Franklin stucco, color 2074, texture genova. The cornice is to be a contrasting color, to be determined.

WHEREAS per Section §300-182A(3a) of the Town of Yorktown Town Code, the applicant has provided five (5) parking spaces for 1,000 square feet thereby requiring a total of twenty (20) parking spaces where twenty-three (23) are shown on the site plan; and

WHEREAS the following variances were granted by the Town of Yorktown Zoning Board of Appeals on June 19, 2008:

1. A rear yard for a proposed building having 36.7 feet where 50 feet is required;
2. A rear yard for a proposed accessory building (canopy) having 9.7 feet where 50 feet is required;
3. A side yard for a proposed building having 24.9 feet where 50 feet is required;
4. A side yard for a proposed accessory building (canopy) having 21.3 feet where 50 feet is required.

WHEREAS AT&T has an easement, within the Town right-of-way adjacent to the subject property, to run cables (the "AT&T Cables");

WHEREAS the Yorktown Planning Board has determined that the most appropriate and desirable access to this site is by providing ingress and egress from an extension of Downing Drive within the Town of Yorktown Right-Of-Way abutting the site and as shown on the applicant's site plans enumerated herein; and

WHEREAS the Yorktown Planning Board's determination as to site access requires that the applicant's site work cross the AT&T Cables, which are located underground; and

WHEREAS, the extension of Downing Drive is in the Town's existing comprehensive plan dated 1983 and the proposal undertakes to extend a portion of Downing Drive so as to provide ingress and egress from the site; and

WHEREAS this desired layout will create a four way intersection thereby eliminating or reducing the proliferation of uncontrolled access driveways along Route 118 and in close proximity to its intersection with Downing Drive therefore effecting optimal conditions of safety for the public users of this roadway and intersection; and

WHEREAS the Planning Board has determined said intersection should be signalized to further optimize the safety of the intersection; and

WHEREAS the Planning Board acknowledges that pursuant to the foregoing the Town of Yorktown is the most appropriate entity to enter into an Encroachment Permit to effect the relocation of the AT&T Cables;

WHEREAS the Town of Yorktown Town Attorney has advised the Planning Board by an email dated August 6, 2009 that he has been authorized by the Town Board to pursue such an Encroachment Permit with AT&T to effect the desired relocation of said AT&T Cables;

WHEREAS the Applicant has agreed to pay to the Town seventy thousand dollars (\$70,000.00) in connection with AT&T's relocation of the AT&T Cables¹; and

WHEREAS should AT&T take any actions that cause the Town to incur any additional costs beyond \$70,000.00, the Applicant shall pay such additional costs at the request of the Town as a condition of the issuance of a Certificate of Occupancy; and

WHEREAS the Applicant has stated he will transfer the existing parking area at the northwestern portion of the site to the adjacent property owner subsequent to this approval; this approval is in no way an approval of this transfer; and

WHEREAS the proposed wetland mitigation area is within a New York State Department of Transportation drainage easement and any approvals from this agency must be obtained before the site plan is signed by the Planning Board Chairman; and

WHEREAS the Property is located within a Designated Main Street Area and must receive approval from the New York City Department of Environmental Protection before the site plan is signed by the Planning Board Chairman; and

WHEREAS the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

Boards & Agencies	Report Date
ABACA	11/14/07, 04/09/08, 04/25/08
Building Inspector	03/31/08
Conservation Board	09/10/07, 10/09/07, 12/07/07, 01/18/08, 03/11/08, 04/07/08, 09/05/08

1 In 1991, the Town and AT&T entered into a Stipulation of Settlement by the New Yorktown Supreme Court Appellate Division-Second Department with Index No. 6222/91 related to the Town's Comprehensive Plan of 1983, to extend Downing Drive, necessitating the relocation of the AT&T Cables. The Stipulation provided that the Town pay the first \$70,000.00 of the cost to relocate the AT&T Cables. As a result of the Applicant's instant application to extend Downing Drive it will be necessary to relocate the AT&T Cables. Thus, since the instant application will have as a condition of approval the construction of a portion of the Downing Drive extension, the stipulation is referenced. Further the stipulation states AT&T shall be the entity to relocate the cables.

Fire Marshal	04/23/08
Highway Superintendent	07/14/08
Planning Department	07/13/07, 12/12/07, 01/08/08, 06/09/08
Planning Board Attorney	08/06/08
Town Attorney	Email 06/17/09, Email 08/06/09
Town Engineer	07/16/07, 12/17/07
Wetlands Inspector	01/14/08, 03/24/08
NYSDOT	07/25/08
NYC DEP	07/22/08
Westchester County Planning Board	08/18/08

WHEREAS the requirements of this Board's Land Development Regulations have been met except as note below; and

WHEREAS a Public Informational Hearing was held in accordance with §195-22A(5) of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on November 19, 2007 and continuing and closing on December 3, 2007;

WHEREAS having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the said site plan application commenced and closed on April 7, 2008, at Town Hall in Yorktown Heights, New York; and

WHEREAS pursuant to the Planning Board's determination that the construction of this site plan is dependent upon the relocation of the AT&T cables; and pursuant to information provided by the Town Board and the Town Attorney that the Town Attorney is directed to effect an agreement with AT&T to relocate the AT&T Cables and in a timely manner;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Resolved that the site plan as shown on the drawings enumerated herein is dependent on and this approval conditioned on such layout which necessarily requires the relocation of the AT&T cables; and be it further

RESOLVED that if an agreement with AT&T to relocate the AT&T Cables is not executed, that this site plan approval shall be deemed null and void in its entirety and that no construction, site work or any other use of this site is implied to be allowed under this resolution; and be it further

RESOLVED that the Planning Board hereby reserves its right to revoke this approval in its entirety or in part, if the requirements of this approval and the site plans as shown on the

drawings enumerated herein are in any way required to be amended pursuant to the rules, policies, or regulations of any third party agencies or entities; and

RESOLVED the Applicant shall pay to the Town the sum of \$70,000 to be held by the Town in escrow and applied by the Town to the costs incurred in connection with the relocation of the AT&T Cables, which funds shall be disbursed by the Town to AT&T upon the Town's receipt of notice from AT&T requesting payment(s) for such work; and

RESOLVED the Applicant's site plans shall be submitted to AT&T for the purpose of aiding in the creation of plans to relocate the AT&T Cables. Any modifications to the site plans requested by AT&T shall be subject to review and approval by the Planning Board; and

RESOLVED copies of all correspondence between the Applicant and AT&T shall be submitted to the Director of Planning for review; and

RESOLVED any permits, agreements, or approvals provided to the Applicant by AT&T shall be submitted to the Planning Board for review by the Town Attorney; and

RESOLVED the Applicant will retain an independent third-party Environmental Systems Planner, a "Qualified Inspector" as defined by the New York State Department of Environmental Conservation in the SPDES General Permit for Stormwater Discharges from Construction Activity, to supervise and be present during the construction of the erosion control measures, and which Environmental Systems Planner will provide bi-weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector and the Planning Department throughout construction; and

RESOLVED the Applicant must notify the Planning Board in writing stating the name of the Environmental Systems Planner or Firm that will be completing the bi-weekly inspection reports and shall notify the Planning Board in writing if this Planner or Firm changes; and

RESOLVED that for any site disturbance of greater than 5,000 SF the Applicant must comply with New York State DEC Phase II Stormwater Regulations, latest amendment and the Town of Yorktown Stormwater Ordinance Chapter 248 of the Yorktown Town Code; and

BE IT NOW RESOLVED that the application of Mongero Properties, LLC for the approval of a site plan titled "Mongero Properties," as prepared by Site Design Consultants, last revised June 18, 2008, be approved subject to the modifications and conditions listed below, and that the Chairman of this Board be and hereby is authorized to endorse this Board's approval of said plan upon compliance by the applicant with the following additional modifications and requirements as noted below:

Additional modifications to the plans prior to signature of the Site Plan by the Planning Board Chairman:

1. Submit one complete Landscape Plan to the satisfaction of the Planning Board and ABACA.
2. Submit a revised Lighting Plan to the satisfaction of the Planning Board and ABACA. The revised Lighting Plan should address the following:
 - a. Light fixtures should be similar to the fixtures now installed on Commerce Street.
 - b. All wallpacks and canopy lighting should be shown and detailed on the plan.
 - c. Add notes stating State of New York ATM lighting requirements.
 - d. Reconcile the ATM 30' photometric grid and the site plan photometric grid.
 - e. The drive-thru canopy lighting levels are excessive and should be lowered.
3. Modify site plan to include pedestrian sidewalk access to the new building with associated crosswalk at Route 118 intersection.
4. Add a note to the site plan listing all variances granted by the Zoning Board of Appeals and the dates such approval was given.
5. Modify intersection improvement plans to accommodate two five foot bike lanes on either side of Downing Drive.
6. Add a note to the intersection improvement plans stating improvements will be coordinated with the plans from the current Route 118 sidewalk construction project.
7. Eliminate or gray scale the traffic improvements shown on the site plan so as they will not conflict with the intersection improvement plans.
8. Add a note on the Erosion and Sediment Control Plan stating the limits of disturbance to be delineated in the field by orange construction fencing.
9. Modify curb detail to comply with town standards.
10. Provide a smaller scale detail of the front entrance area of the building showing all construction, including sidewalks, ramps, and curbing keyed to appropriate details.
11. Submit a revised sheet titled "Mongero Properties Internal Site Signage" which states the author of the plans and includes a revision date.

The following conditions and obligations shall be fulfilled prior to signature of the Site Plan by the Planning Board Chairman:

12. Submit one complete set of all plans for this site for review by the Planning Department prior to signature by the Planning Board Chairman.
13. Plans revised to comply with said modifications contained herein must be submitted for review and approval of Wetland & Excavation Permit #WP-E-045-07 by the Planning Board.
14. Submission of all legal fees due on this application.
15. Submission of fees and security to the Engineering Department per the Town Engineer's requirements:

Performance Bond
Cash Erosion Control Bond
8% Inspection Fee

Fees to be determined after Planning Board approval and a complete final set of drawings are submitted to the Town Engineer.

16. Submission of draft access easement language for the existing parking area on the northwestern portion of the Property.
17. Approval in writing from the New York City Department of Environmental Protection.
18. Approval in writing from the New York State Department of Transportation for the intersection improvements and wetland mitigation work located within the drainage easement. The intersection improvements are to be completed prior to issuance of a certificate of occupancy.

The following conditions and obligations shall be fulfilled prior to any site work or the issuance of a building permit for the site:

19. Prior to the commencement of any site work in connection with this approval, Applicant shall pay to the Town the sum of \$70,000.00 to be held by the Town in escrow and applied by the Town to the costs incurred in connection with the relocation of the AT&T Cables, which funds shall be disbursed by the Town to AT&T upon the Town's receipt of notice from AT&T requesting payment(s) for such work.

The following conditions and obligations shall be fulfilled prior to the issuance of a certificate of occupancy for the site:

20. Intersection improvements at Route 118 and Downing Drive are to be completed prior to issuance of a certificate of occupancy.
21. Should AT&T take any actions that cause the Town to incur additional costs beyond \$70,000.00, the Applicant shall pay such additional costs at the request of the Town as a condition to issuance of a Certificate of Occupancy.

Additional requirements:

22. Applicant must obtain all necessary permits from outside agencies in order to complete project.
23. Proposed plan must comply with all current applicable ADA standards.
24. Applicant must submit final plans and as-builts in AutoCAD R14 readable format.

BE IT FURTHER RESOLVED that unless a building permit has been issued within 360 days of the date of this resolution, **November 4, 2010**, this approval will be null and void.

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING SITE PLAN
FOR MONGERO PROPERTIES, LLC**

DATE OF RESOLUTION: November 9, 2009


SIGNED BY:



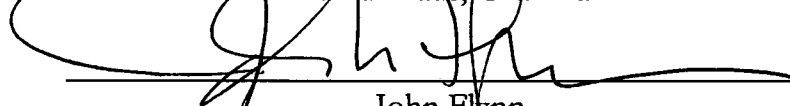
David Klaus, Chairman

ROLL CALL:

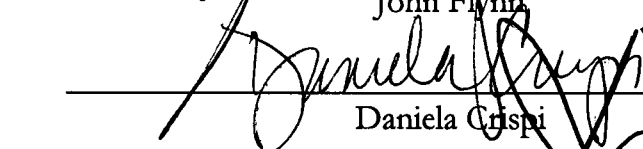
AYES:



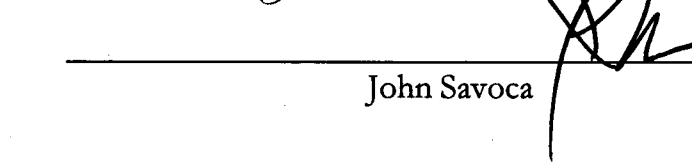
David Klaus, Chairman



John Flynn



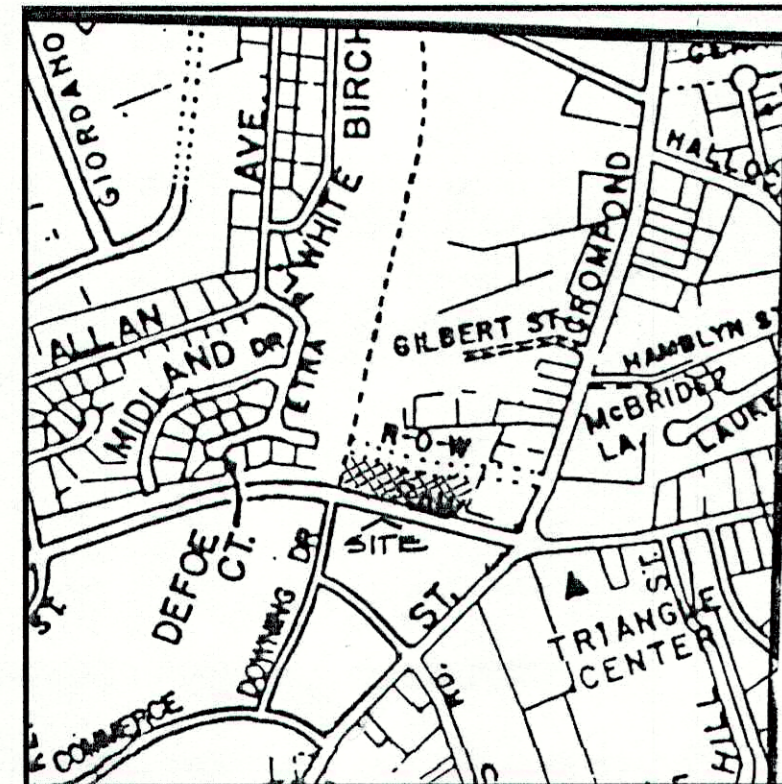
Daniela Crispi



John Savoca

NAYS:

ABSTAIN:



LOCATION MAP
NOT TO SCALE

SITE DATA:

OWNER / DEVELOPER: MONGERO PROPERTIES
181 COMMERCE STREET
YORKTOWN HEIGHTS, NY 10598

PROJECT LOCATION: NYS RT. 118 AND DOWNING ROAD
YORKTOWN HEIGHTS, NY

EXISTING TOWN ZONING: C-1, BUSINESS
PROPOSED USE: C-1, BUSINESS
TOWN TAX MAP DATA: SECTION 37.14, BLOCK 1, LOT 44
SITE AREA: 2.20 ACRES (95,923 SF)
SEWAGE FACILITIES: PUBLIC SEWERS
WATER FACILITIES: PUBLIC WATER FACILITIES

GENERAL NOTES:

- All work and materials shall conform to the Town of Yorktown's code of practice and specifications.
- All work on the project shall be performed in a workmanlike manner and shall be in accordance with the standards of the industry. The Owner will be the sole judge of the acceptability of the work. Materials and work deemed unacceptable will be removed and redone at the sole cost and responsibility of the Contractor.
- The Town Engineer's Office is to be notified 24 hours before commencing site construction.
- It is the Contractor's responsibility to call in a "CODE 53" prior to construction for underground utility locations.
- The Contractor shall be responsible to protect his work and will be held responsible for consequential damages due to his activities. The Contractor shall be responsible to the Owner for the acts and omissions of his employees, subcontractors and their agents and employees and any other persons performing any work under a separate contract with the Contractor.
- It shall be the Contractor's responsibility to notify the Town Inspector in advance of his work or as the Inspector deems appropriate.
- All conditions, locations and dimensions shall be field verified by the Contractor and the Owner/Engineer notified in writing of any discrepancies prior to the start of work. The Owner/Engineer will evaluate the situation and modify the plan as necessary.
- The Contractor shall supervise and direct the work using his best skill and attention. He shall be solely responsible for all construction means, methods, techniques, sequences and procedures and for coordinating all portions of the work under this contract.
- Substructures and their encroachments below grade, if any, are not shown. The Contractor shall verify all substructures encountered during construction.
- A Street Opening Permit shall be obtained from the Town of Yorktown D.P.W. as required for installations in public roads.
- The contractor shall be responsible for obtaining all necessary permits for any blasting if required. No topsoil shall be removed from the site.
- The Contractor shall secure & pay for a builders risk policy to cover the period of construction. The Engineer & Owner shall be named as additional insured. All Contractors employed at the site shall be covered by workman's compensation.
- All changes made to the plans shall be approved by the Engineer and any such changes shall be filed as amendments to the original Town permit.
- All written dimensions on the drawings shall take precedence over any scaled dimensions.
- The Contractor shall take all precautions to minimize disturbance within the control area by installing the sediment erosion control practices required.
- The Engineer whose seal appears hereon has not been retained for supervision of construction, subsequently, he is not responsible for construction and therefore assumes no responsibility for construction practices, procedures, and results therefrom.
- The Design Engineer disclaims any liability for damage or loss incurred during or after construction.
- The Engineer shall not be held responsible or held accountable for the integrity of any structures constructed or under construction prior to the approval of the plans.
- All conditions of approval as noted in formal letters of approval or findings are a part of the approved site plan, drawings or plans, and are hereby referenced for additional approval details.
- Proposed re-configuration and striping of Saw Mill River Road and the proposed traffic signal are designed by others. The inclusion of these items on this plan sheet is for general reference only. Refer to traffic improvement plans as prepared by others for details.
- The Contractor shall coordinate all activities associated with the relocation of the AT&T Fiber Optic Cable located below the proposed Downing Road Extension. The Contractor is required to secure any and all permits and approvals by the utility Company prior to construction. The Contractor shall perform all relocation activities in strict accordance with the Utility Owner's standards and specifications and is responsible for the uninterrupted service provided by the Utility. Any and all penalties for damage, delays or otherwise to the Utility or intended service provided by same shall be the sole responsibility of the Contractor. No work shall be performed without prior notice as required by the Utility Owner.
- For proposed road and intersection improvements, traffic signalization and striping, see latest plans prepared by John Collins Engineers, P.C.

EXISTING PARKING LOT NOTES:

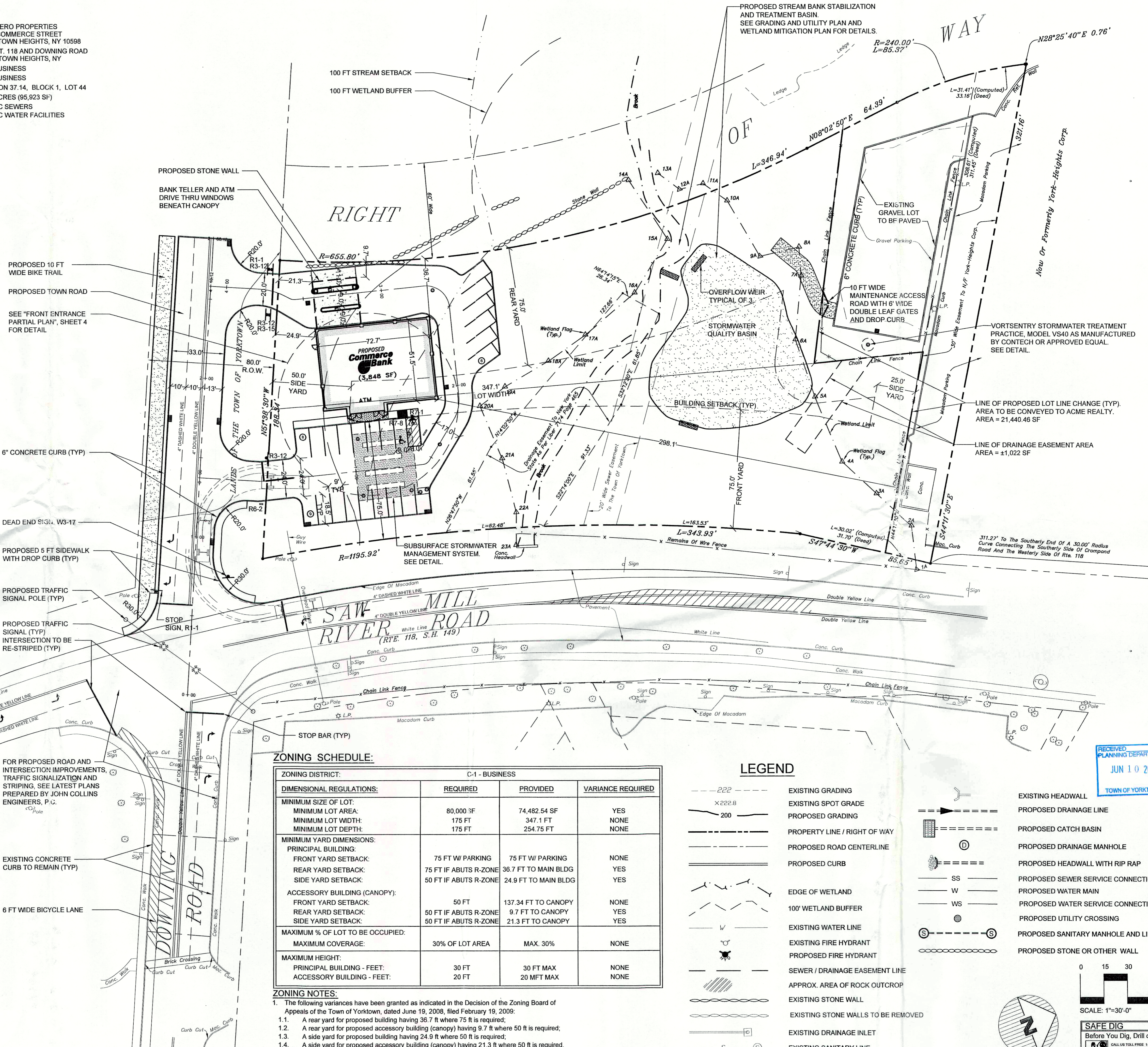
- The existing gravel area in the northwestern corner of the Property shall be for the purpose of a parking lot.
- All improvements on and for the existing parking area shall be completed prior to transfer of this portion of the Property.

PARKING SCHEDULE

REQUIRED PARKING:	5 SPACES PER 1000 SF OF BUILDING
PROPOSED BANK:	3,848 S.F. @ 5 SPACES/1000 S.F. = 19.2 SPACES
PROVIDED PARKING:	22 STANDARD 1 HANDICAP
TOTAL PROVIDED PARKING:	23 SPACES
PARKING VARIANCE REQUIRED:	0 SPACES

NOTE:

- UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW.
- THIS IS NOT A SURVEY. ALL SURVEY INFORMATION SHOWN ON THIS PLAN HAS BEEN TAKEN FROM SURVEY MAP PREPARED BY DONNELLY LAND SURVEYORS FOR MONGERO PROPERTIES, LAST DATED 12/7/04. WETLAND FLAGS UPDATED BY STEVE COLEMAN AND SURVEYED BY DONNELLY LAND SURVEYING 8/31/04. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY.
- WETLAND LIMIT LINE, AS SHOWN ON THIS PLAN, WAS OBTAINED FROM THE WETLAND DELINEATION PERFORMED BY STEPHEN W. COLEMAN ENVIRONMENTAL CONSULTING, LLC, AUGUST 2004.



ZONING SCHEDULE:

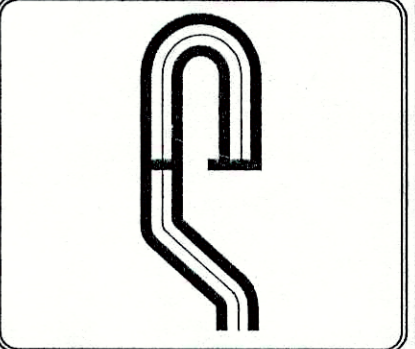
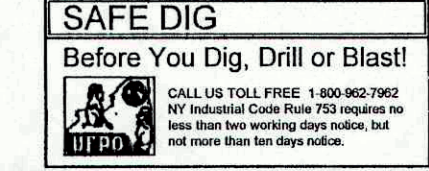
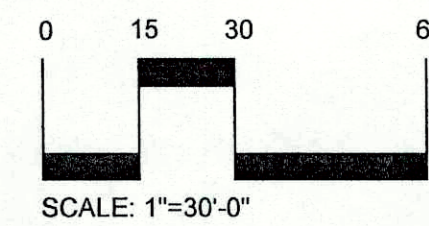
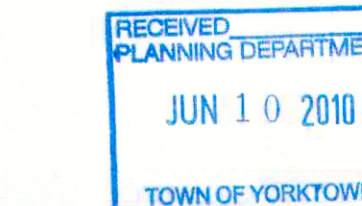
DIMENSIONAL REGULATIONS:	REQUIRED	PROVIDED	VARIANCE REQUIRED
MINIMUM SIZE OF LOT:			
MINIMUM LOT AREA:	80,000 SF	74,482.54 SF	YES
MINIMUM LOT WIDTH:	175 FT	347.1 FT	NONE
MINIMUM LOT DEPTH:	175 FT	254.75 FT	NONE
MINIMUM YARD DIMENSIONS:			
PRINCIPAL BUILDING:			
FRONT YARD SETBACK:	75 FT W/ PARKING	75 FT W/ PARKING	NONE
REAR YARD SETBACK:	75 FT IF ABUTS R-ZONE	36.7 FT TO MAIN BLDG	YES
SIDE YARD SETBACK:	50 FT IF ABUTS R-ZONE	24.9 FT TO MAIN BLDG	YES
ACCESSORY BUILDING (CANOPY):			
FRONT YARD SETBACK:	50 FT	137.34 FT TO CANOPY	NONE
REAR YARD SETBACK:	50 FT IF ABUTS R-ZONE	9.7 FT TO CANOPY	YES
SIDE YARD SETBACK:	50 FT IF ABUTS R-ZONE	21.3 FT TO CANOPY	YES
MAXIMUM % OF LOT TO BE OCCUPIED:			
MAXIMUM COVERAGE:	30% OF LOT AREA	MAX. 30%	NONE
MAXIMUM HEIGHT:			
PRINCIPAL BUILDING - FEET:	30 FT	30 FT MAX	NONE
ACCESSORY BUILDING - FEET:	20 FT	20 MFT MAX	NONE

ZONING NOTES:

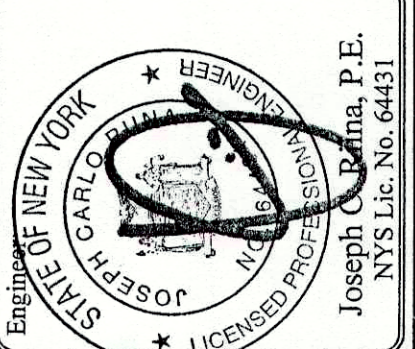
- The following variances have been granted as indicated in the Decision of the Zoning Board of Appeals of the Town of Yorktown, dated June 19, 2008, filed February 19, 2009:
 - A rear yard for proposed building having 36.7 ft where 75 ft is required;
 - A rear yard for proposed accessory building (canopy) having 9.7 ft where 50 ft is required;
 - A side yard for proposed building having 24.9 ft where 50 ft is required;
 - A side yard for proposed accessory building (canopy) having 21.3 ft where 50 ft is required.
- The following area variance is required for this site:
 - Minimum Lot Area of 74,482.54 sf where 80,000 sf is required.

LEGEND

- 222 --- EXISTING GRADING
- x 222.8 EXISTING SPOT GRADE
- 200 --- PROPOSED GRADING
- --- PROPERTY LINE / RIGHT OF WAY
- --- PROPOSED ROAD CENTERLINE
- --- PROPOSED CURB
- --- EDGE OF WETLAND
- --- 100' WETLAND BUFFER
- --- EXISTING WATER LINE
- --- EXISTING FIRE HYDRANT
- --- PROPOSED FIRE HYDRANT
- --- SEWER / DRAINAGE EASEMENT LINE
- --- APPROX. AREA OF ROCK OUTCROP
- --- EXISTING STONE WALL
- --- EXISTING STONE WALLS TO BE REMOVED
- --- EXISTING DRAINAGE INLET
- --- EXISTING SANITARY LINE
- --- EXISTING HEADWALL
- --- PROPOSED DRAINAGE LINE
- --- PROPOSED CATCH BASIN
- --- PROPOSED DRAINAGE MANHOLE
- --- PROPOSED HEADWALL WITH RIP RAP
- --- PROPOSED SEWER SERVICE CONNECTION
- --- PROPOSED WATER MAIN
- --- PROPOSED WATER SERVICE CONNECTION
- --- PROPOSED UTILITY CROSSING
- --- PROPOSED SANITARY MANHOLE AND LINE
- --- PROPOSED STONE OR OTHER WALL



Site Design Consultants
Civil Engineers • Land Planners
251-F Underhill Avenue, Yorktown Heights, NY 10598
(914) 962-4488 • Fax: (914) 962-7386
www.SiteDesignConsultants.com



No.	Date	Comments
1	2/19/08	Per P.P. & C.B.
2	4/1/08	Zoning
3	6/18/08	Stormwater
4	7/15/08	Add water valves
5	7/15/08	Grading/Elevation
6	11/09/09	As per Resolution
7	09/10	Per Town PB

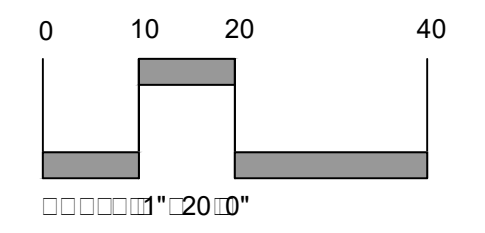
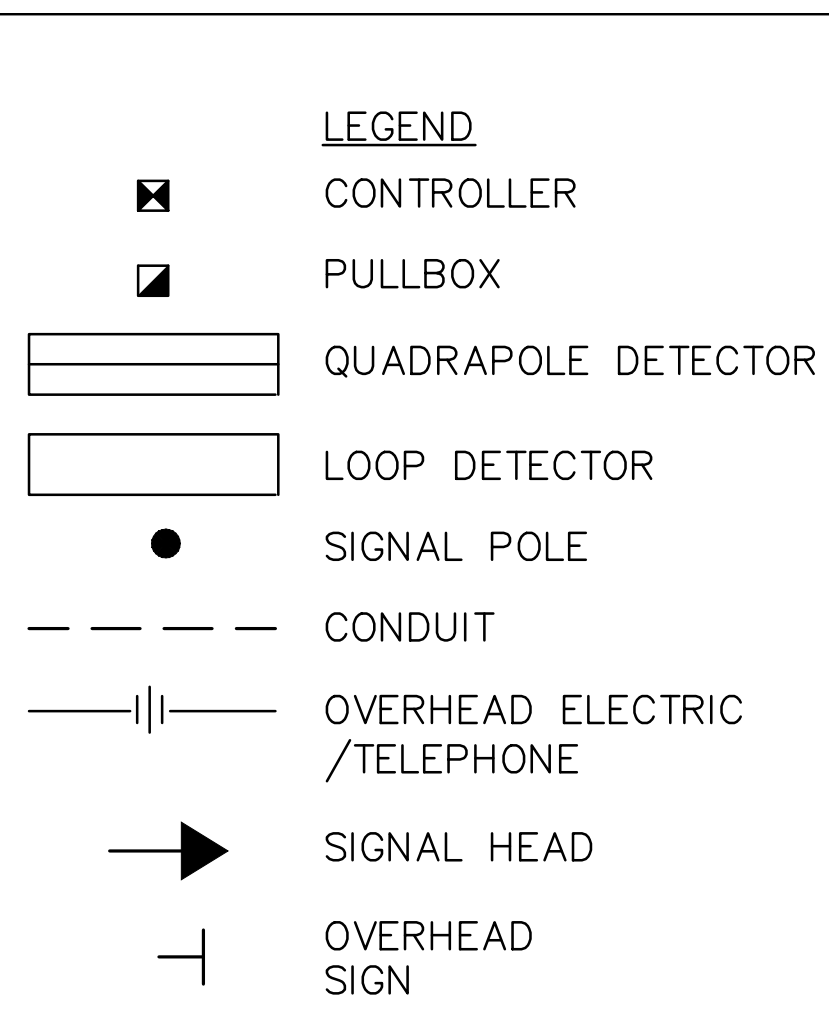
SCALE: 1" = 30'
DRAWN BY: JMC
DATE: 12/03/07

SITE PLAN

PROPOSED SITE PLAN
PREPARED FOR
MONGERO PROPERTIES
a.k.a. Commerce Bank
Rt. 118 and Downing Road
Westchester Co., New York
Town Of Yorktown

F:\2004\04-23 MONGERO PROPERTIES AKA COMMERCE BANK\DWG\04-23 SITE\COMMERCE_REV08.DWG, 6/9/2010 5:37:36 PM

- GENERAL NOTES:
- ALL WORK IS TO BE DONE ACCORDING TO THE LATEST "NYSDOT STANDARD SPECIFICATIONS", REGION 8 SIGNAL DETAILS SHEETS, AND STANDARD STRUCTURE SHEETS. THE REGION 8 SIGNAL DETAILS SHEETS ARE TO BE PART OF THE SIGNAL PLAN.
 - SIGNAL HEAD ROADWAY CLEARANCE SHALL BE 16'-6".
 - ALL MATERIALS INCORPORATED IN THE SIGNAL INSTALLATION SHALL CONFORM TO THE CURRENT NYSDOT REQUIREMENTS AS PER NOTE 1 ABOVE. CONFORMANCE SHALL BE MET BY NYSDOT APPROVAL OF THE FOLLOWING SUBMISSIONS BY THE PERMITTEE/CONTRACTOR.
 - TRAFFIC SIGNAL POLES AND PEDESTRIAN POLES: MANUFACTURER'S SHOP DRAWINGS AND CALCULATIONS MUST BE SUBMITTED TO NYSDOT FOR EACH SIGNAL POLE. THE SHOP DRAWINGS AND CALCULATIONS MUST BE STAMPED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF NEW YORK.
 - TRAFFIC SIGNAL HEADS (SECTIONS) & BRACKET ASSEMBLIES, PEDESTRIAN HEADS AND BRACKET ASSEMBLIES, CONCRETE PULLBOXES, CAST ALUMINUM JUNCTION BOXES, AND OVERHEAD SIGN ASSEMBLIES: MANUFACTURER CATALOG CUTS MUST BE SUBMITTED TO THE STATE AS WELL AS MANUFACTURER'S CERTIFICATION OF COMPLIANCE WITH "NYSDOT STANDARD SPECIFICATIONS".
 - TRAFFIC SIGNAL CONDUIT, CABLE, WIRE: MANUFACTURER'S CATALOG CUTS MUST BE SUBMITTED TO NYSDOT.
 - TRAFFIC SIGNAL LOOP EMBEDDING SEALER: ONLY THOSE PRODUCTS INCLUDED ON THE LATEST NYSDOT MATERIALS BUREAU "APPROVED LIST" SHALL BE USED.
 - THE SIGNAL INSTALLATION CONTRACTOR SHALL CONTACT NYSDOT REGION 8 TRAFFIC ENGINEERING & SAFETY PRIOR TO PERFORMING ANY WORK. A MEETING SHALL TAKE PLACE AS DETERMINED NECESSARY BY NYSDOT OR AT THE REQUEST OF THE CONTRACTOR.
 - NYSDOT SHALL BE NOTIFIED PRIOR TO THE INSTALLATION OF ANY VEHICLE DETECTOR LOOPS. FAILURE TO DO SO MAY RESULT IN THE REJECTION OF LOOPS SO INSTALLED.
 - THE PERMITTEE/CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL LOCAL PERMITS REQUIRED.
 - PAVEMENT MARKINGS, IF REQUIRED, SHALL BE IN ACCORDANCE TO CURRENT NYSDOT PRACTICE FOR THE SIGNAL LOCATION.
 - THE PERMITTEE IS RESPONSIBLE FOR ELECTRIC SERVICE TO THE SIGNAL ARRANGEMENTS WITH UTILITY AND PAYMENT OF ENERGY CHARGES. NYSDOT WILL PROVIDE A SAMPLE POWER REQUEST FOR THE SIGNAL(S).
 - IT IS THE PERMITTEE/CONTRACTOR RESPONSIBILITY TO RESTORE ANY DISTURBED AREAS TO THEIR ORIGINAL CONDITION AS PER THE APPROPRIATE SECTIONS OF THE STANDARD SPECIFICATIONS.
 - SIGNAL POLE FOOTINGS (FOUNDATIONS) SHALL BE INSTALLED AS PER STANDARD STRUCTURE SHEET 680.13R2. PARTICULAR NOTE SHOULD BE MADE OF THE "METHODS FOR PLACING FOOTINGS" AS THEY RELATE TO APPROVED METHODS OF BACKFILL. IF ROCK IS ENCOUNTERED, NYSDOT TRAFFIC ENGINEERING & SAFETY SHOULD BE NOTIFIED. NYSDOT SOILS SHALL THEN BE NOTIFIED FOR THE PROPER METHOD OF INSTALLATION.
 - NYSDOT WILL PROVIDE TABLE OF SWITCH PACKS AND TABLE OF INPUT WIRING TO THE PERMITTEE (CONTRACTOR). IT IS THE PERMITTEE'S (CONTRACTOR'S) RESPONSIBILITY TO NOTIFY NYSDOT WHEN THESE ARE NEEDED.
 - LOOP DETECTORS ARE TO BE WIRED IN PARALLEL IN THE CABINET.
 - ELECTRICAL CABLE SPLICES: ALL CABLE SPLICES MADE IN CABLE RUNS TO BE LOCATED BELOW GROUND WILL BE ACCOMPLISHED USING METHOD #32 (TWO COMPONENT ELECTRICAL INSULATING RESIN REJACKETING MATERIAL) AS DESCRIBED IN SECTION 680.316 OF THE STANDARDS SPECIFICATIONS.
 - MAINTENANCE AND PROTECTION OF TRAFFIC SHALL BE IN ACCORDANCE WITH THE DOT MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
 - UNLESS OTHERWISE SHOWN ON THE PLANS ALL PULLBOXES SHALL BE INSTALLED OUTSIDE OF THE PAVEMENT OR SHOULDER AREA.
 - THE FINISHED GROUND SURFACE ON THE BACK SLOPE IN THE VICINITY OF THE PULLBOX SHALL BE ADJUSTED SO THAT NO FILL SHALL BE SPILLED ON THE TOP OF THE BOX AND THE MAXIMUM DISTANCE FROM THE TOP OF THE FINISHED GROUND AT THE BOX SHALL NOT EXCEED 4 INCHES. ALL MATERIALS AND LABOR NECESSARY TO COMPLETE THIS WORK SHALL BE INCLUDED IN THE PRICE BID FOR THE PULLBOX.
 - THE CONTRACTOR SHALL REFERENCE NYSDOT STANDARD SHEETS M644-1, M680-1R1, M680-2R1, M680-3R2, M680-5, M680-6, M680-9, M680-12, M680-13R2, M680-14R1, M680-15R1, M680-16R FOR THIS INSTALLATION.
 - TRAFFIC SIGNAL CONTROL BE MAINTAINED UNTIL THE NEW SIGNAL IS IN OPERATION AND ACCEPTED BY THE STATE, UNDER ITEM 619.1613 MAINTAIN TRAFFIC SIGNAL EQUIPMENT.
 - THE CLEARANCES BETWEEN ANY SIGNAL EQUIPMENT AND UTILITY LINES SHALL BE 10' FOR PRIMARY 2" SECONDARY AND 1' FOR ALL OTHERS.
 - IF SOFT CLAY OR ORGANIC DEPOSITS ARE ENCOUNTERED DURING THE FOOTING AUGERING/DIGGING OPERATION, OR IF AUGERING/DIGGING IS UNDERTAKEN IN AREAS HAVING A HIGH WATER TABLE, THE CONTRACTOR SHALL CONSULT THE ENGINEER-IN-CHARGE.
 - CONTRACTOR SHALL CONTACT ALL THE APPROPRIATE PARTIES WITH JURISDICTION OVER THE UTILITIES (OVERHEAD AND UNDERGROUND) ENTERING ON OR NEAR THE PROJECT AREA PRIOR TO INITIATION OF CONSTRUCTION ACTIVITIES AND PROVIDE THOSE AGENCIES 72 HOURS NOTIFICATION. CONTRACTOR SHALL BE AWARE THAT OTHER UTILITIES (OVERHEAD AND/OR UNDERGROUND) NOT SHOWN ON THE PLANS MAY BE ENCOUNTERED IN THE FIELD. THE CONTRACTOR SHALL AT HIS/HER OWN EXPENSE, REPAIR OR REPLACE ANY STRUCTURES OR UTILITIES THAT HE/SHE SHALL CONSTANTLY PROCEED WITH CAUTION TO PREVENT UNDUE INTERRUPTION TO UTILITY SERVICES.
 - PHASE 2 & 6 TO BE SET ON MIN. RECALL GREEN.
 - PRIOR TO COMMENCEMENT OF WORK CONTRACTOR SHALL COORDINATE HIS WORK WITH UTILITY COMPANIES (OVERHEAD AND UNDERGROUND) SO AS TO RESOLVE ANY POTENTIAL CONFLICTS.



SIGNAL POLE DATA

POLE NO.	ITEM NO.	DESIGN LOAD (LB)	FT. MOMENT FT-K	LENGTH (FT)
1	680.600932	9000	274.50	32
2	680.600930	9000	356.50	30

TABLE OF SIGNAL HEADS AND CABLE

HEAD	ITEMS	CABLE	ITEM
A	680.8111, 680.810101, 680.810103, 680.810104, 680.810105, 680.810106, (5) 680.810107	14/10C-A-X/X	680.731014
B	680.8112, (2) 680.810101, (2) 680.810103, (2) 680.810105, (6) 680.810107	14/10C-B-X/X	680.731014
C	680.8112, (2) 680.810101, (2) 680.810103, 680.810104, (2) 680.810105, 680.810106, (8) 680.810107	14/15C-C-X/X	680.731514
D	680.8112, (2) 680.810101, (2) 680.810103, (2) 680.810104, (2) 680.810105, (2) 680.810106, (10) 680.810107	14/19C-D-X/X	680.731914
E	680.8111, 680.810101, 680.810103, 680.810105, (3) 680.810107	14/05C-E-X/X	680.730514
OVERHEAD SIGNS			
F, J	MUTCD SIGN NO. R10-11a		680.8201
H	MUTCD SIGN NO. R3-5R		680.8201
I	MUTCD SIGN NO. R3-5 (BACK-TO-BACK)		680.8201

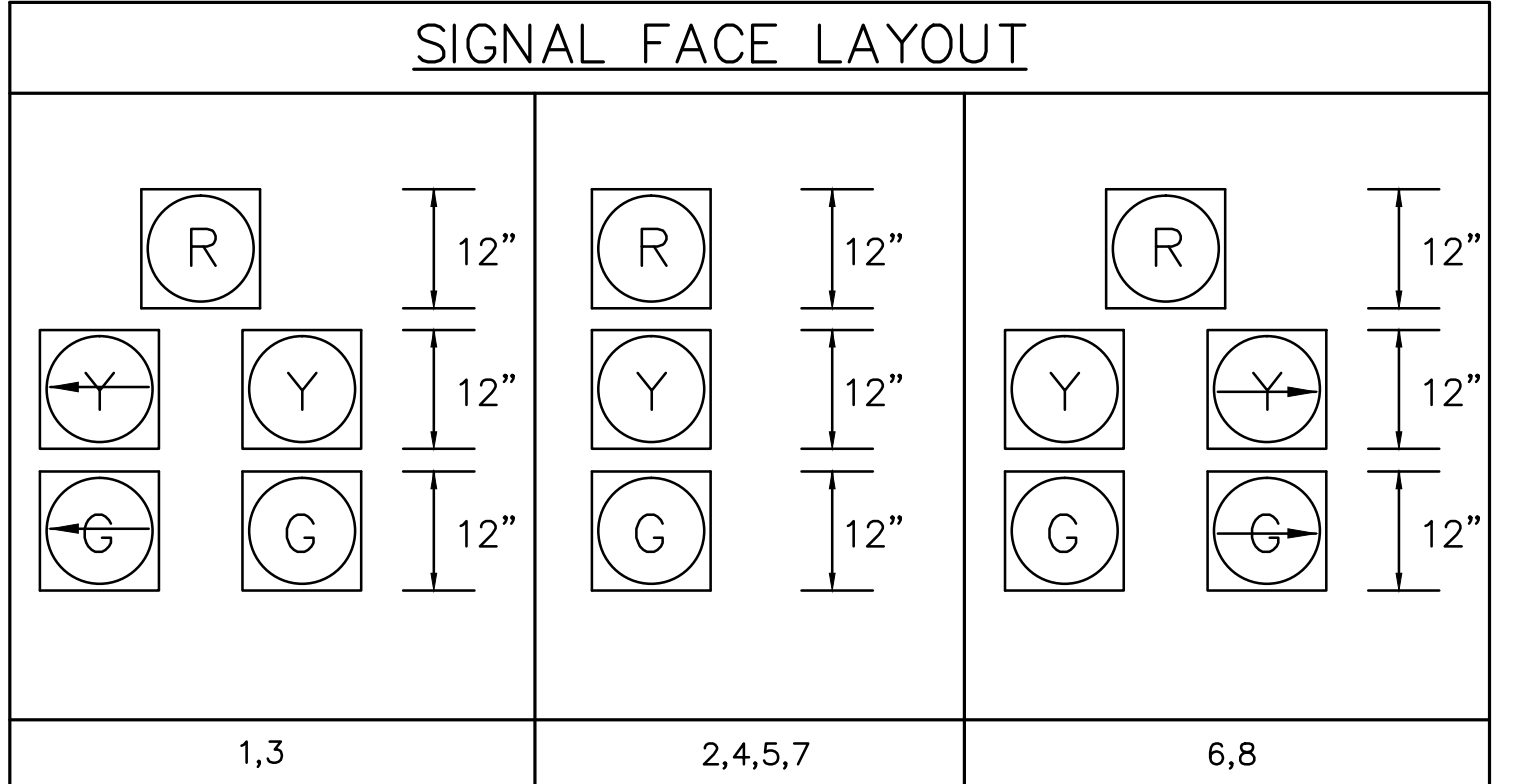
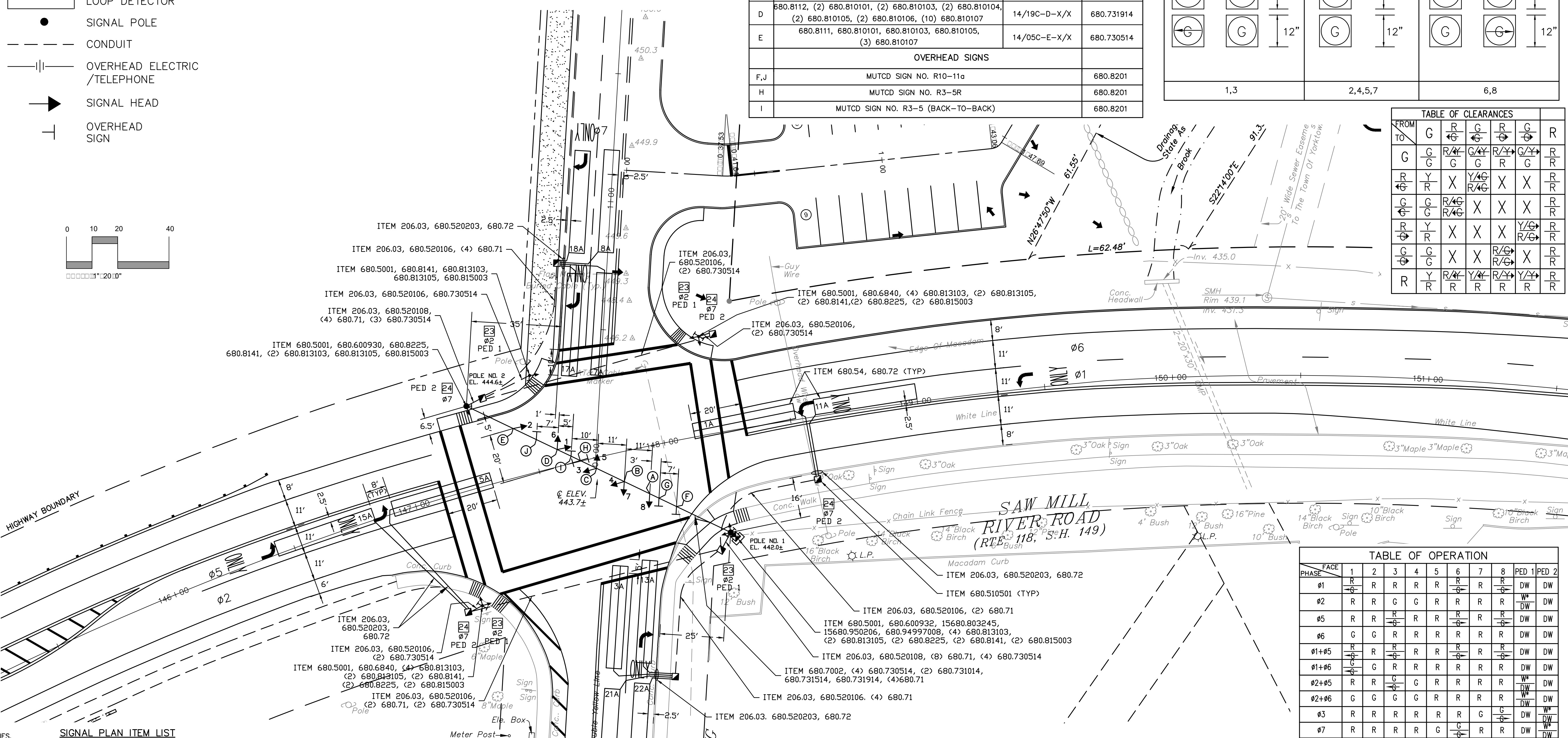


TABLE OF CLEARANCES

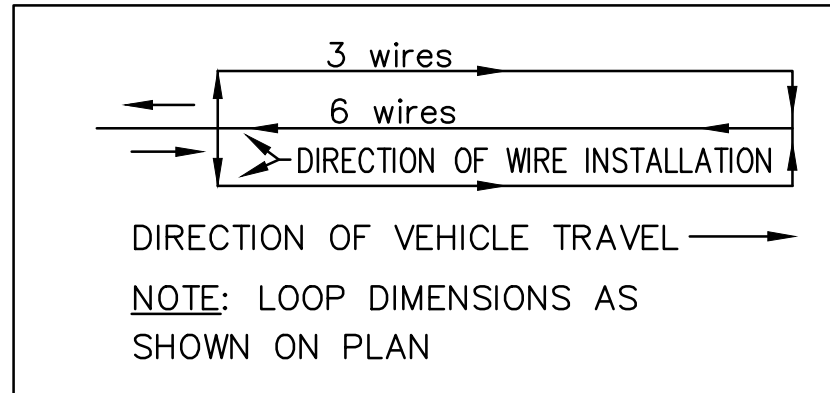
FROM	G	R	G	R	G	R
G	G	R/G	G/Y	R/Y	G/Y	R/R
R	Y	X	Y/G	X	X	R/R
G	G	R/G	X	X	X	R/R
R	Y	X	X	X	Y/G	R/R
G	G	X	X	R/G	X	R/R
R	Y	R	R	R/Y	Y/Y	R/R



SIGNAL PLAN ITEM LIST

ITEM NO.	DESCRIPTION
206.03	CONDUIT EXCAVATION AND BACKFILL
680.5001	POLE EXCAVATION AND CONCRETE FOUNDATION
680.510501	PULLBOX-RECTANGULAR, 26" x 18", REINFORCED CONCRETE
680.520106	CONDUIT, METAL STEEL, ZINC COATED, 2" DIA.
680.520108	CONDUIT, METAL STEEL, ZINC COATED, 3" DIA.
680.520203	TRAFFIC SIGNAL CONDUIT, FLEXIBLE, LIQUID TIGHT STEEL 1" DIA.
680.54	INDUCTANCE LOOP INSTALLATION
680.600930	TRAFFIC SIGNAL POLE SPAN WIRE, 9000 LB, 30' HEIGHT
680.600932	TRAFFIC SIGNAL POLE SPAN WIRE, 9000 LB, 32' HEIGHT
680.6840	TRAFFIC SIGNAL POLE BRACKET MOUNT 12' HEIGHT (4 METERS)
680.71	SHIELDED LEAD-IN CABLE
680.72	INDUCTANCE LOOP WIRES
680.730514	SIGNAL CABLE, 05 CONDUCTOR, 14 AWG.
680.731014	SIGNAL CABLE, 10 CONDUCTOR, 14 AWG.
680.731514	SIGNAL CABLE, 15 CONDUCTOR, 14 AWG.
680.731914	SIGNAL CABLE, 19 CONDUCTOR, 14 AWG.
680.80324515	INSTALL MICROCOMPUTER (TYPE 2070) COMPLETE WITH CABINET
680.810101	TRAFFIC SIGNAL MODULE, RED BALL LED 12"
680.810103	TRAFFIC SIGNAL MODULE, YELLOW BALL LED 12"
680.810104	TRAFFIC SIGNAL MODULE, YELLOW ARROW LED 12"
680.810105	TRAFFIC SIGNAL MODULE, GREEN BALL LED 12"
680.810106	TRAFFIC SIGNAL MODULE, GREEN ARROW LED 12"
680.810107	TRAFFIC SIGNAL SECTION, TYPE 1 12"
680.813103	PEDESTRIAN SIGNAL SECTION - TYPE 1, 12"
680.813105	PEDESTRIAN SIGNAL MODULE - 12" BI-MODAL HAND/MAN SYMBOLS, LED
680.8141	PEDESTRIAN SIGNAL BRACKET MOUNT ASSEMBLY
680.815003	PEDESTRIAN COUNT DOWN TIMER MODULE
680.8225	PEDESTRIAN PUSH BUTTON AND SIGN WITHOUT POST
680.8201	OVERHEAD SIGN ASSEMBLY - TYPE A
680.94997008	FURNISH AND INSTALL ELECTRICAL DISCONNECT GENERATOR TRANSFER SWITCH
680.95020615	SERVICE CABLE, 2 CONDUCTOR, 6 AWG.

NOTE: QUADRAPOLE PRESENCE LOOP INSTALLATION



NOTE: FOR PAVEMENT MARKINGS SEE SP DRAWINGS

TABLE OF DETECTORS

DETECTOR NO.	TYPE	MODE	SIZE	NO. OF TURNS
1A, 3A, 5A, 7A, 13A, 17A	QUAD	PRESENCE	2'-3'x40'	3-6-3
8A, 11A, 15A, 18A, 21A, 22A	LOOP	PRESENCE	6'x40'	3
23, 24	PUSH BUTTON	PED 1, PED 2	-	-

SIGN TEXT LEGEND

NO.	SIGN TEXT	M.U.T.C.D. NO.	ITEM
G, I		R3-5R	680.8201
H		R3-5	680.8201
F, J		R10-11a	680.8201

TABLE OF OPERATION

FACE	1	2	3	4	5	6	7	8	PED 1	PED 2
01	R	R	R	R	R	R	R	R	DW	DW
02	R	R	G	G	R	R	R	R	W*	DW
05	R	R	R	R	R	R	R	R	DW	DW
06	G	G	R	R	R	R	R	R	DW	DW
01+05	R	R	R	R	R	R	R	R	DW	DW
02+05	R	R	G	G	R	R	R	R	W*	DW
02+06	G	G	G	G	R	R	R	R	DW	DW
03	R	R	R	R	R	R	G	G	DW	DW
07	R	R	R	R	R	G	G	R	DW	W*
03+07	R	R	R	R	R	G	G	G	DW	DW
FLASHING OPERATION	FLY	FLY	FLY	FLY	FLY	FLR	FLR	FLR	DARK	DARK

PEDESTRIAN SIGNALS SHALL BE DEMAND ACTUATED ONLY
 * UPON ACTIVATION OF A PEDESTRIAN PUSH BUTTON THE INDICATION SHALL DISPLAY A STEADY "MAN" FOLLOWED BY A FLASHING "HAND" AND THEN A STEADY "HAND".

4	ISSUED	5/12/09	R.G.D.
3	ADDED CROSSWALKS	9/3/08	R.G.D.
2	AS PER NYSDOT COMMENTS	8/5/08	R.G.D.
1	MODIFIED ALIGNMENT & NYSDOT COMMENTS	6/30/08	R.G.D.
	REVISION	DATE	REVISED BY:

TITLE: TRAFFIC SIGNAL PLAN
SIGNAL W-607

PROJECT: COMMERCE BANK
NYS ROUTE 118 & DOWNING DRIVE
INTERSECTION IMPROVEMENTS
YORKTOWN, NEW YORK

ENGINEER: JOHN COLLINS ENGINEERS, P.C.
11 BRADHURST AVENUE
HAWTHORNE N.Y. 10532

DRAWING NO. T-1

SHEET 7 OF 8

PROJECT NO. 1516

SCALE: 1"=20'

DATE: 4/2/08

DRAWN BY: R.G.D.

CHECKED BY: A.P.R.

**JOHN COLLINS
ENGINEERS, P.C.** TRAFFIC • TRANSPORTATION ENGINEERS

COPY

11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266

July 12, 2005

Ms. Pamela Rosenbloom
Antinozzi Associates
4021 Main Street
Stratford, CT 06614

RECEIVED
PLANNING DEPARTMENT
AUG - 4 2005
TOWN OF YORKTOWN

Re: Webster Bank
Saw Mill River Road (NYS Route 118)
Town of Yorktown, New York

Dear Ms. Rosenberg:

As requested, John Collins Engineers, P.C. has completed our traffic evaluation of the proposal to construct a new approximately 3,500s.f. bank on the property located on the west side of NYS Route 118 opposite Downing Drive in the Town of Yorktown, New York. The location of the site is shown on Figure No. 1. The following sections describe the tasks completed as part of our evaluation.

1. 2005 Existing Traffic Volumes (Figures No. 2 and 3)

Detailed turning movement traffic counts were collected at the intersection of NYS Route 118 and Downing Drive as well as NYS Route 118 and U.S. Route 202/Route 35/Commerce Street during the weekday AM and PM peak hours. The turning movement counts were collected during the hours of 7:00-10:00 AM and 3:00-6:30 PM. In addition, detailed machine traffic counts were collected on Route 118 and on Downing Drive over the course of several weekdays. The traffic counts were conducted during June 2005. Based upon a review of the traffic volume information, the peak hours were determined to occur as follows:

Peak AM Highway Hour	7:30-8:30 AM
Peak PM Highway Hour	4:45-5:45 PM

The resulting 2005 Existing Traffic Volumes for each of the intersections are shown on Figures No. 2 and 3, respectively.

2. 2008 No-Build Traffic Volumes (Figures No. 4 and 5)

The Existing Traffic Volumes shown on Figures No. 2 and 3 were projected to the 2008 design year utilizing a background growth factor. Based upon a review of historical information as well as to account for other development traffic in the area, the existing traffic volumes were increased by a factor of 1.06. The resulting 2008 No-Build Traffic Volumes are shown on Figures No. 4 and 5 for the weekday-AM and PM peak hours, respectively.

3. Site Generated Traffic Volumes (Table No. 1)

Information published by the Institute of Transportation Engineers (ITE) as contained in their publication entitled Trip Generation, 7th Edition, 2003 was referenced to determine the traffic generated by the proposed bank. Based on the size of the bank, the peak hour trip generation rates and corresponding site generated traffic volumes were developed for each of the peak hours. Table No. 1 summarizes the trip generation rates and corresponding site generated traffic volumes for each of these time periods. It should also be noted that for a bank facility, not all trips are expected to be new trips added to the roadway network but will be attracted as “diverted link” trips or “pass-by” trips. No specific credit for this has been taken in the analysis.

4. Arrival and Departure Distributions (Figures No. 6 and 7)

In order to assign the site generated traffic volumes to the surrounding roadway system, it was necessary to develop an arrival and departure distribution. Based upon a review of existing traffic patterns in the area, the arrival and departure distributions were determined and are shown on Figures No. 6 and 7.

5. 2008 Build Traffic Volumes (Figures No. 8, 9, 10 and 11)

The site generated traffic volumes shown on Table No. 1 were assigned to the roadway network utilizing the arrival and departure distributions. The resulting site generated traffic

volumes are shown on Figures No. 8 and 9 for the AM and PM peak hours, respectively. These site generated traffic volumes were combined with the design year No-Build Traffic Volumes to obtain the Build Traffic Volumes which are shown on Figures No. 10 and 11.

6. Description of Analysis Procedures

In order to determine existing and future traffic operating conditions at the study area intersections, it was necessary to perform capacity analyses. The following is a brief description of the analysis method utilized in this report:

o Signalized Intersection Capacity Analysis

The capacity analysis for a signalized intersection was performed in accordance with the procedures described in the 2000 Highway Capacity Manual, published by the Transportation Research Board. The terminology used in identifying traffic flow conditions is Levels of Service. A Level of Service "A" represents the best condition and a Level of Service "F" represents the worst condition. A Level of Service "C" is generally used as a design standard while a Level of Service "D" is acceptable during peak periods. A Level of Service "E" represents an operation near capacity. In order to identify an intersection's Level of Service, the average amount of vehicle delay is computed for each approach to the intersection as well as for the overall intersection.

o Unsignalized Intersection Capacity Analysis

The unsignalized intersection capacity analysis method utilized in this report was also performed in accordance with the procedures described in the 2000 Highway Capacity Manual. The procedure is based on total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. The average total delay for any particular critical movement is a function of the service rate or capacity of the approach and the degree of saturation. In order to identify the Level of Service, the average amount of vehicle delay is computed for each critical movement to the intersection.

Additional information concerning signalized and unsignalized Levels of Service can be found in Appendix "D" of this report.

7. Results of Analysis (Table No. 2)

Utilizing the procedures described above, a capacity analysis was conducted at each of the intersections utilizing the Existing, No-Build and Build Traffic Volumes. A description of each of the intersections, the current traffic control, the results of the analysis and any recommendations are provided below:

a. NYS Route 118 and Downing Drive

Downing Drive currently intersects with NYS Route 118 at a "stop" sign controlled "T" intersection. The Route 118 approach consists of one lane plus shoulders and the Downing Drive approach consists of one wide lane which is used for left and right turn movements. The capacity analysis conducted at this intersection utilizing the existing traffic volumes indicates that during peak periods, traffic exiting Downing Drive currently experiences long delays. Based upon a review of the existing traffic volumes together with a review of traffic signal warrant criteria, improvements to this intersection are currently warranted. The improvements include the provision of a left turn lane on Route 118 as well as the installation of a traffic signal.

The capacity analysis of the intersection was computed utilizing the No-Build Traffic Volumes. A review of these analyses indicates that with the improvements acceptable Levels of Service will be obtained during peak periods. The intersection was reanalyzed with the proposed access drive to the bank. A review this analysis indicates that the intersection will require coordination of improvements to accommodate with the driveway. The new driveway should be constructed to consist of one exiting lane and one entering lane. The analysis indicates that with the improvements, a Level of Service "C" or better will be experienced at this intersection.

b. NYS Route 118 and U.S. Route 202/35

This signalized full movement intersection currently contains approaches with multiple lanes including the following geometry. The northbound approach consists of a separate left turn lane, one through lane and separate right turn lane. The westbound approach consists of a separate left, one through and a channelized right turn lane. The southbound approach consists of a separate left turn lane and a through/right turn lane with the right turn movement channelized. The eastbound approach consists of a separate left turn lane and a through/right turn lane. The capacity analysis conducted at the intersection currently experiences long delays and queues during peak periods. The Town of Yorktown is currently advancing a project to widen the eastbound approach at this intersection to include the addition of a separate right turn lane. This improvement is expected to reduce queues and provide some capacity relief at the intersection.

The intersection was reanalyzed utilizing No-Build and Build Traffic Volumes with and without the improvements. The results are summarized in Table No. 2.

While the planned intersection improvement will provide some relief, the Town is also considering longer term planning to allow a new road connection which will extend from the proposed bank property opposite Downing Drive with a connecting road which will either connect to Baldwin Road or to Route 202. When this road connection is completed it will result in some additional relief to the Route 202/118/Commerce Street intersection since traffic destined to and from the center of Town will no longer have to travel through the intersection.

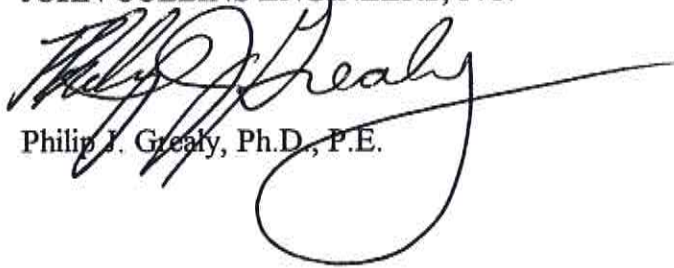
8. Summary and Conclusions

Based on the analysis contained herein, the intersection of Downing Drive and Route 118 currently experiences delays. With the improvements identified above including the construction of the access to the proposed bank, the intersection will operate at acceptable

Levels of Service. The intersection of Route 118 and Route 35/202/Commerce Street currently experiences long peak hour delays. These are expected to be slightly relieved with the construction of the right turn lane on the eastbound approach however, the long term plan for a connecting road should continue to be pursued to provide overall traffic flow improvements in the area.

Lastly, the additional traffic expected to be generated by the Webster Bank is not expected to significantly change operations at the area intersections and the construction of the improvements at Downing Drive and Route 118 will serve as the basis for longer term improvements to this area including the potential connector road.

Respectfully submitted,
JOHN COLLINS ENGINEERS, P.C.

A handwritten signature in black ink, appearing to read 'Philip J. Grealy', with a long horizontal line extending from the end of the signature.

Philip J. Grealy, Ph.D., P.E.

Overlay Districts

New Article XXXI; Chapter 300 Planned Design District Overlay Zones

§ 300-248 Purpose and Intent.

- A. It is found and determined that there is a need throughout the Town of Yorktown to encourage and establish further economic development. To stimulate that growth and provide for revitalization, the Town requires the use of smart-growth techniques capable of creating smarter, less wasteful, and more economically efficient development patterns. Specifically, the Town needs flexibility in land uses which bolster economic development by providing not only a diverse array of commercial businesses, but mixed-use residential and commercial parcels to both provide abundant job opportunities and contribute to the local tax base.
- B. This Article regulates the location, design, occupancy, and use of structures and the use of land within the areas known as the "Planned Design District Overlay Zones" (hereinafter "PDDOZ") within the Town of Yorktown. The primary purpose of this Article is to institute a legally enforceable zoning code for each unique Planned Design District ("PDD") adopted herein or prospectively, based upon and in furtherance of the goals established Chapter 4 of the Town of Yorktown Comprehensive Plan adopted on July 15, 2010 (hereinafter "the Comprehensive Plan") and as hereinafter amended. The applicability of the provisions of this Article shall only apply to the specific overlay zones duly adopted and set forth herein and to those properties within said zones that the Town Board has determined granting the flexibility allowed by the Planned Design District will result in a significantly better site plan that still protects the health, safety, and welfare of Yorktown's businesses and residents.
- C. This Article is intended to promote the health, safety and general welfare of the Town by creating a holistic and comprehensive economic development strategy that utilizes the principles of social, economic, and environmental responsibility to encourage the economic development within a mixed-use setting. This Article is intended to create an opportunity for a more economically successful and environmentally responsible Town by enabling a hamlet with a more harmonious and pedestrian-oriented public realm than can be achieved under the regulations in the underlying zoning in effect at the time of adoption of this Article. Specifically, this Article will promote Complete Streets approach and practices as one of many mechanisms to fulfill the purpose and intention herein.
- D. It is also the intent of this legislation to further the economic development goals of the town's Comprehensive Plan to invigorate the hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create a special sense of place. The intent of the overlay zones is to promote flexibility in design, allowed uses, and bulk requirements to make infill and redevelopment of the hamlets both desirable for residents and economically feasible for investors. It is also the intent of this legislation to provide for suitable mixed-use

developments within the PDDs, blending the surrounding commercial and residential zones.

- E. This Article will assist in achieving preservation and retention of the remaining historic and architecturally significant buildings and encourage the renovation and construction of other buildings consistent with architectural designs of buildings constructed during the early history of the Town.

§ 300-249 Definitions.

As used in this article, the following terms shall have the meanings indicated:

FAR (Floor Area Ratio)

Floor Area Ratio as defined in §300-3, “Definitions; word usage.”

INCENTIVE

A zoning benefit that is granted, pursuant to §261-b of the Town Law, to adjust provisions of Chapter 300, Zoning, of the Town Code of the Town of Yorktown for the purpose of bringing about revitalization in a Planned Design District.

LIVE-WORK UNIT/SPACE

Live-work unit or Live-work space. A building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. The residential space must be occupied by the owner of the commercial business to which it is accessory.

MIXED-USE BUILDING

A building that houses varied uses normally segregated from one another by zoning classification within the Yorktown Zoning Code such as residential uses and retail uses, but not limited thereto.

PLANNED DESIGN DISTRICT

For the purposes of this chapter, an independent zoning district identified by the Town Board as ideal to promote development in accordance with the Comprehensive Plan, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a set of criteria and smart growth techniques as established by the Town Board herein.

UNIQUE BUILDINGS

Existing buildings that should be retained because of their distinctive cultural, architectural, or historical references to the Town’s history as decided by the Town Board and listed herein

§ 300-250 Applicability.

The provisions of this Article XXI shall apply to all parcels, lots or properties lying within each Planned Design Districts and may be applied to new development, redevelopment, exterior alterations, changes of use, site plan alteration, commercial signs and exterior lighting within the Planned Design District Overlay Zones.

When the provisions of this Chapter are applied by the Planning Board, in any Planned Design District, no buildings or premises shall be used, and no buildings or part of a building or structure shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses herein cited in §300-255 through §300-259, or the underlying zoning, provided that a site plan of development in accordance with Chapter 195 of the Yorktown Town Code is approved by the Planning Board, after public notice and hearing, as being in conformity with this Chapter.

§ 300-251 Authorization to approve plans; Procedures.

- A. Authorization is hereby granted to the Planning Board of the Town of Yorktown, as herein set forth, to simultaneously with the approval of a site plan or subdivision map, pursuant with this article, modify applicable provisions of Chapter 300 subject to the conditions set forth in this article and such other reasonable conditions as the Town Board of the Town of Yorktown may, in its discretion, add thereto.
- B. An applicant desiring to use the standards set forth in this article shall file with the Town Board a written request for authorization for consideration and review under the overlay district, which shall include a detailed statement setting forth the nature of modifications, changes or supplementation of existing underlying zoning provisions and the reasons in support of those changes or modifications. Said statement shall include the manner in which such modifications, changes or supplementations of existing zoning provisions will benefit the Town and will further the economic development, public health, safety, or welfare of the community. The applicant shall also file plans and other drawings, sketches, or renderings necessary to understand and consider the proposed project. The town board shall consider the request and evaluate the project for such authorization. The Town Board, at its discretion, may refer the request, plans, and other documentation to other Boards, departments or agencies for comment and recommendation. The Town Board may hold a public hearing in accordance with Chapter 205 of the Town Code.

The Town Board may authorize the project via resolution for review under the overlay district after considering the following factors:

- 1) Whether the project is consistent with the general goals of the Comprehensive Plan;
- 2) Whether the project will likely be detrimental to the character of its immediate neighboring properties, or the district and town at large;
- 3) Whether the scope of the project will likely cause operational difficulties on the site that have potential to negatively affect the health, safety, and welfare of the public;
- 4) Whether the town's infrastructure is capable of servicing the project or that the impacts or deficiencies of the infrastructure can be appropriately mitigated;

- 5) Whether the project will eliminate a blight or potential blight within the district;
- 6) Whether the project is consistent with the goals and intent of the overlay district;
- 7) Whether the project is consistent with the requirements of the overlay district and does not exceed the limitations or requirements set forth therein;
- 8) Whether the project is likely to contribute to the economic development of the district and the town at large.

Any such resolution shall contain a reasoned elaboration of the potential application of the overlay district to the proposed site based on the above considerations, including whether some of the considerations are relevant to the project. The Town Board may attach thereto any conditions may be desirable to maintain the highest standards that are represented by the intent and goals of the overlay district regulations. Projects that are authorized by the Town Board shall be referred, together with the authorizing resolution, to the Planning Board for site plan review and approval.

- C. Once a project has been authorized for review and approval under this Article by the Town Board, the applicant shall file with the Planning Board the application and plans required for site plan or subdivision review and approval as set forth in Chapter 195, Land Development. The Town of Yorktown Signage ordinance manual shall govern all matters relating to signs within each overlay zone. Such application and plans shall have clearly marked upon their face that said plan is for development in accordance with the standards or this Article. The applicant may be required, at various stages of the planning process, to further justify his request to use the standards and procedures set forth herein.
- D. The Recreation Requirements as set forth within this Chapter and the Town of Yorktown Town Code shall remain applicable to the provisions of this Article.

§ 300-252 Conflicting provisions.

In the event that any provisions of this article shall be inconsistent or in conflict with the other provisions of this Chapter, then the provisions of this article shall prevail and be complied with.

§ 300-253 Development Incentives.

The following list of Development Incentives may be applied by the Planning Board to any project filed under this Article. In the event the Applicant includes “green-building” standards as recognized by the United States Green Building Council (“USGBC”) and the recognized Leadership in Energy and Environmental Design (“LEED”) standards, the Applicant will be granted priority in approval and shall not be limited in its requests for any and all of the incentives set forth below. In addition, an Applicant bringing forth a proposal that would qualify for LEED certification (though no certification is required) shall be entitled to propose additional incentives, not listed below, to be considered as part of the site plan approval process under this Article. The incentives adopted herein are as follows:

1. Priority of application review and agenda placement.
2. Enhanced staff guidance, including additional staff meetings, throughout the approval process.
3. Relief from area and bulk requirements, parking requirements upon demonstration of proximity to downtown pedestrian access and public transportation, or a social, cultural or economic need or benefit.
4. In the event an Applicant agrees to make infrastructure improvements that benefit the Town to an extent greater than what is required by the conditions of this Article, the Planning Board may grant incentives in relation to density, area and bulk requirements and including parking relief.
5. In the event an Applicant provides real-property or rentable square footage to the Town, the Planning Board may grant incentives in relation to density, area and bulk requirements and including parking relief.

§ 300-254 Flexibility Standards; Area and Bulk Requirements

1. The Planning Board, in considering an application for site plan or subdivision approval within any Planned Design District Overlay Zone, shall be guided by but shall not be strictly bound by the considerations and standards within the underlying zone in which a proposed project exists, as amended, and as applicable to each Planned Design District, upon which the Planning Board shall be the approval authority as set forth herein. In general, these standards shall be deemed to be the minimum requirements for the convenience, economic benefit, health, safety and welfare of the Town and in compliance with the Comprehensive Plan.
2. In the course of project site plan review, as required by this article and SEQRA, the Planning Board may, pursuant to its stated purposes, vary the zoning requirements as to open space requirements, lot area, lot frontage, side yard requirements, front and rear yard requirements, maximum allowable coverage, parking regulations, building heights, floor area ratios, unit density per acre, off-street parking and loading spaces, and all bulk regulations in connection with a specific plan of development on a specific parcel of land in any Planned Design District, and other matters related to the siting and construction of improvements listed in the Schedule of Regulations, provided that the Planning Board shall determine that such variations are in the public interest and necessary in order to foster high-quality development and redevelopment, are in compliance with the general purpose and intent of this Chapter, and will ensure compatibility with uses on adjoining properties. In no case shall the variation of any requirement be greater than 60% of said requirement, unless otherwise stated in §300-255 through §300-259. Such variations shall apply only to the particular site plan and proposals thereon which are under review and shall not apply to the maximum FAR.
3. The Planning Board may adjust the regulations and reduce the procedural requirements in accordance with this Section to implement the Intent and Purpose of this Article so that the public interest is secured, provided that any such adjustment or procedural modification will not have the effect of nullifying the spirit and intent of this Article.

§ 300-255 Yorktown Heights Planned Design District Overlay Zone

Purpose and intent. The Yorktown Heights Planned Design District consists of the parcels and rights-of-way within the boundary shown on as shown on the zoning map of the Town of Yorktown. This area was once the center of commerce in the town, was redeveloped during urban renewal to accommodate automobile centered life with many large commercial buildings and large paved parking areas. Many of these buildings are now vacant as lifestyles and buying habits transition to digital consumerism making this area ripe for other types of redevelopment. The intent of this overlay zone is to encourage a walkable hamlet-style development that is both a commercial and community center that better serves the needs of its residents and surrounding neighborhoods. Further, the Town Board notes that the Yorktown Heights hamlet supports several developments such as the Underhill Apartments the Kear Street Apartments and the Beaver Ridge Apartments, which were built with densities exceeding the multi-family R-3 zoning district regulations, and these developments do not exhibit adverse impacts related to their density. The Yorktown Heights hamlet business center is able to support appropriate density above that shown in the R-3 zone. It is the intent of this legislation to promote development of appropriate densities that will support the downtown, promote economic development, and increase housing types within town, while also improving the walkability and quality of open spaces. Specifically, the following objectives are encouraged:

1. Phase out of incompatible, nonconforming uses and signs.
2. Construction of attractive building facades along Commerce Street, Downing Drive, Veterans Road, Kear Street, and Underhill Avenue with off-street rear parking lots.
3. Transportation design that emphasizes Complete Street design methods and practices and that includes the pedestrian and bicycle experience to encourage users of the North County Trailway, connected town trailways, and the disabled to be able to move through the overlay zone safely.
4. Creation of off-street parking lots for shared parking between adjoining and neighboring principal uses.
5. Application of enhanced street access, building design, off-street parking, landscaping and buffering controls by the Planning Board to enhance the physical appearance of properties in the Yorktown Heights Planned Design District Overlay Zone.
6. Development of multi-family residential uses not to exceed three stories, unless otherwise stated herein.
7. Creation of mixed-use space that includes live-work space or professional office use in a residence pursuant to §300-76.

A. Permitted Main Uses.

1. The same main uses permitted in the underlying zone in which the subject property lies.
2. Mixed-use development.
3. Multi-family and town-house style residential development.
4. Live-work unit developments

5. Stores or shops for the conduct of retail business, bank, post office, restaurant and other places serving food and beverages, professional and business offices, and personal service establishments, including the grooming of house pets, except that no use shall be permitted where any part of the service is conducted outside the premises unless a special use permit has been issued by the Planning Board after due notice and public hearing.
6. Government buildings and uses.
7. Community based uses for senior citizens.

B. Permitted Uses by Special Permit

1. The same Special uses permitted by the underlying zone in which the subject property lies.
2. Boutique hotels in accordance with the regulations set forth in §300-52

C. Permitted Accessory Uses.

1. The same permitted accessory uses allowed in the underlying zone in which the subject property lies.
2. Signs as approved on the site plan.
3. Outdoor public gathering places.

D. Permitted Accessory Uses by Special Permit.

1. The same permitted accessory uses by special permit allowed in the underlying zone in which the subject property lies.
2. Outdoor dining and sidewalk cafés pursuant to §300-80.

E. Area and Bulk Requirements.

The area and bulk regulations for the Yorktown Heights Planned Design District Overlay Zone shall comply as follows:

1. Any project within a planned design district overlay zone and authorized by the Town Board to be considered under the regulations set forth herein shall remain subject to the discretion of the Planning Board set forth in §300-253 and §300-254 to modify the requirements due to the special circumstances of a particular project. The discretion granted in §300-253 and §300-254 is subject to the following requirements:
 - a. Area and Bulk requirements shall be as set forth in the underlying zone and subject to variations and limitations as set forth herein. For residential or mixed use residential projects the Planning Board may be guided by the area and bulk requirements of the R-3 multi-family zone and may apply variations to those requirements within the limitations set forth herein.
 - b. FAR shall be allowed up to, but may not exceed, 0.55;
 - c. Maximum height of building shall be as set forth in the underlying zone subject to variation of up to 25% and may not exceed three stories. Enclosed space may be allowed at roof level which may not exceed 50% of the area of the area of the roof.
 - d. Maximum height may be increased to 52 feet and a maximum of 4 stories provided that the lot on which a project is proposed is a single contiguous lot that is a minimum of 10 acres in size.

2. [Reserved]

3. [Reserved]

F. Design Requirements.

In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed-use buildings in the Yorktown Heights Planned Design District Overlay Zone:

1. Architectural Designs. All applicants shall adhere to the following guidelines for design standards of any renovation or new construction on a property within the Yorktown Heights Planned Design District:
 - a. Exterior renovations or additions to historic buildings shall make every effort to restore the original appearance to the exterior of the building, with modifications only as approved.
 - b. Acceptable architectural forms will include Colonial, Federal, Georgian, and Victorian styles. Exact duplicates of historic buildings are not required; however, designs should reflect a sense of historical styles at an appropriate scale.
 - c. Appropriate use of sheathing (exterior covering) and decorative details. All new construction will be in brick or wood, unless it is demonstrated to the Advisory Board on Architecture & Community Appearance that some other material may be more appropriate given extenuating circumstances of the project, such as an addition on an existing building. Modern sheathing techniques may be used as long as the overall appearance conveys use of traditional building materials.
 - d. The following materials are not preferred for use in the Yorktown Heights Planned Design District:
 - i. Prefabricated metal siding, typical of manufactured commercial buildings.
 - ii. Dryvit-faced buildings or similar stucco-type surfaces.
 - iii. Prefabricated rock aggregate faced buildings.
 - iv. Concrete block faced buildings.
 - v. Tilt-up concrete panels.
 - vi. Ribbon glass, tinted glass panels as sheathing, or tinted glass windows, windows that appear to be frameless.
 - e. Unique Buildings. All applicants for renovation of a unique building or new construction on a property on which exists a unique building within the Yorktown Heights Planned Design District shall be required to submit plans that respect the precedents and styles that relate to the early history of the Town. All plans must be in keeping with these guidelines for:
 - i. Existing unique buildings. For any proposal that includes an existing unique building whether to be modified or not, the applicant shall provide information concerning the original design of the building and the modifications that have taken place to the building. Every effort shall be made to restore the original appearance of the exterior of the building, with modifications only as considered appropriate by the Advisory Board on Architecture and Community Appearance and the Heritage Preservation Commission, should the unique building be a Designated Landmark.

- ii. Design elements. All proposed improvements to buildings shall be evaluated by the Advisory Board on Architecture and Community Appearance for the appropriateness of the improvement in terms of the following design elements:
 - (a) Overall design and cohesiveness;
 - (b) Appropriate use of exterior sheathing and decorative details;
 - (c) Window and door configuration; and
 - (d) Setbacks and parking areas and site plan considerations.
2. Signage. The following types of signs shall be preferred in the Yorktown Heights Planned Design District Overlay Zone as outlined in the Town of Yorktown Signage ordinance Manual.
 - a. Sign designs should utilize historically-referenced styles, colors, and materials to create attractive, functional, legible signs that can further enhance the town's character.
 - b. Freestanding signs should be monument signs. Using brick piers or bases with uplighting is encouraged.
 - c. Building sign designs should enhance and accent the architecture and character of the building. Signs should not block or dominate the building façade.
 - d. Building signs, painted wood signs or awning signs that are coordinated with the style, shape, color, and scale of the building are preferable to internally lit 'box signs'.
3. Site Planning and Design. Every effort shall be made to maintain and encourage designs and layouts that enhance the pedestrian experience of the Town within the Yorktown Heights Planned Design District Overlay Zone:
 - a. Loading docks, overhead doors, and other service entries shall be screened and not be located facing primary street facades.
 - b. Applicants shall be encouraged to contribute to the public spaces Lighting fixtures and street furniture installed along public rights-of-way shall match the Yorktown Heights streetscape design plan to visually link the overlay zone.
 - c. Landscaping. Landscaping shall be provided to create attractive facades and screen views of parking, loading, and refuse areas from the property frontage and from residential uses.
 - d. Parking shall not be located in the front yard unless this requirement is waived by the Planning Board due to the special circumstances of a particular site.
 - e. Shared parking and conservation parking spaces shall be encouraged wherever possible to reduce unnecessary underutilized parking areas.
 - f. Sidewalks. All sidewalks shall be properly maintained in accordance with Town regulations. All new property developments and redevelopments must provide sidewalks along any property lines that front on public streets, unless this requirement is waived by the Planning Board due to the special circumstances of a particular site. Internal sidewalks will be provided as deemed appropriate by the Planning Board.

G. Access to Site; Off-Street Parking.

1. The required parking for residential units is 1.5 parking spaces per dwelling unless modified by the Planning Board.
2. The required parking for commercial uses shall be as required by §300-182 unless modified by the Planning Board due to special circumstances of a particular site including, but not limited to:
 - a. The use of shared parking between different uses on the same site and/or shared parking between adjacent properties.
 - b. The use of conservation parking spaces.
 - c. The availability of on-street parking or public parking within close proximity to the site.
 - d. Variation in the probable time of maximum use of differing uses on the same site.

H. Recreation.

The required recreation for multi-family units built within mixed use development projects shall be as required in the R-3 zone except that the Planning Board may modify this requirement due to special circumstances of a particular site and the proximity of the site to nearby public recreation.

I. Plan of Development.

No building permit or certificate of occupancy for any building designed for multi-family mixed-use residential developments, town-house style residential developments, stores or shops for the conduct of retail business, or professional and business office developments within the Yorktown Heights Planned Design District Overlay Zone shall be issued, except in accordance with a plan of development or amendment thereof approved by the Planning Board, and after said approved plan of development, signed and certified by the Chairperson of the Planning Board is issued and filed in the records of the Town.

J. Official submission and review of plan.

The Planning Board shall take action within 62 days of the submission to it of the plan of development. The site plan shall be considered officially submitted only when all the required surveys, plans and data in accordance with the requirements of Chapter 195, Land Development described in the above sections have been checked for completeness by the Town Engineer and Director of Planning and filed with the Planning Board.

K. Unique buildings.

The Town Board acknowledges that there are unique buildings holding historical value within the Town and the Board may, in its discretion, designate a building as a unique building upon under its own incentive or referral by the Advisory Board on Architecture and Community Appearance. Modifications necessary to accommodate a new use will be permitted; however, it is the intention to require that all project plans retain original features of the buildings, including window type and configuration, front entries, storefronts (if applicable), and identifying decorative details, including those that provide a historical reference to the original use of the building. This provision shall be

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last revised 11/18/21

in addition to the the requirements of Chapter 198: Heritage Preservation, should a unique building be a Designated Landmark.

The Town Board hereby designates the following buildings in this Yorktown Heights Planned Design District as unique buildings:

322 UNDERHILL AVENUE (Spadaccia Insurance building now Westchester Health)

c. 1890. Wood shingle residence converted to offices. Large center chimney (parged); projecting pedimented gable over 2nd floor bay window; rear 1-story ell; 3 front gable dormers.

360 UNDERHILL AVENUE - Former home of Edward Kear aka The Grace Building

c. 1890. This onetime home of Edward Kear, who served as Town Supervisor for thirteen years, is one of the last of the grand Victorian homes that were built around the town center that the railroad established in the late 19th century, and in January of 2017 was named a Home of Historic Distinction by the Yorktown Landmarks Preservation Commission.

363 UNDERHILL AVENUE – Town Hall

Yorktown's town hall was built in 1935 at the corner of Underhill Avenue and Saw Mill River Road (Route 118) during the administration of Supervisor Theodore Hill. The police department and the town court, once housed here, were moved at different times to other facilities. Additional wings were built on either side of the original building in [insert date].The building is colonial revival style with brick faced concrete walls and a slate roof.

366 UNDERHILL AVENUE - Coldwell Banker building

c. 1890. Gothic Revival. Brick center chimney; gabled side ell; Doric columns on front porch; bay window on 1st floor front facade; one-story hipped extension front on left rear corner.

370 UNDERHILL AVENUE - Captain Underhill House

Completed in 1881, the Captain Underhill Manor & Estate. The estate was most recently used by the Soundview Preparatory private school. Prior to the school the farmhouse was used by the Gilbert Beaver conference center.

1803 COMMERCE STREET (Dubovsky)

c. 1870. 2-bay storefront (4 bays deep) addition w/2 sets of triple windows, flat roof (now vacant); house resided w/metal

1807 COMMERCE STREET (Trailside Café)

c.1870. Colonial Revival storefront addition c. 1950; stucco; parapet wall has been covered w/vinyl; upper windows on storefront replaced.

1811 COMMERCE STREET (Wishes)

c. 1930. Tudor Revival. ½ timbering w/half circle design on front attic level; wood shingle pent over store front windows; side ell for stairway to 2nd floor apts.; fully exposed brick side wall chimney; 1-story rear ell; sunburst pattern in side gable peak & on front of side ell stairwell.

1826 COMMERCE STREET – Yorktown Heights Railroad Station

The Yorktown Heights Railroad Station was built around 1878 as part of the Old Putnam Line of the New York & Northern Railroad. By 1914, the New York Central Railroad and its Putnam Division operated the line from High Bridge to Brewster. The last passenger train ran on the Old Put line on Thursday, May 29, 1958 and the last freight movement picked up an empty box car at Creed Brothers lumber yard in Yorktown Heights on September 17, 1962. By spring of 1963, the rails were removed. Since that time, the abandoned railroad bed was sold to New York State and the station building was acquired by the town's urban renewal agency. The station building has been designated a Local (1976), State (1981), and Federal (1981) Landmark. The station became the center of Railroad Park and has gone through several refurbishment attempts. A complete restoration of the building was finally completed in July of 2020. The station building is the last remaining building of its unique design on the Old Putnam Line.

1932 COMMERCE STREET – Conciatori Building/Emilio's Castle aka Starbucks Coffee
c. 1920. Small side ell, left c.2000. False brick endwall chimneys; granite block door & window surrounds; rear extension that once housed service station stalls.

1952 COMMERCE STREET (former Mulvey Realty, corner of Commerce & Veterans)
c. 1920. Last remaining wood Victorian era home along Commerce Street.

1974 COMMERCE STREET – Albert A. Capellini Community & Cultural Center
Although not within the planned design district boundaries, the former Central School District #2 building is a Town Designated Landmark that is a significant part of the fabric of Yorktown Heights. Originally built in 1923, the school district added a north wing in 1927 and a south wing and gymnasium was added in 1935. The auditorium/theater was completed in the rear of the school between 1954 and 1955. In 1975 the school was closed due to declining enrollments and new schools built in other parts of the community. In July of 1980, the town acquired the old school building to use for several town offices and a community center. In 2019, the town designated the building as a Local Landmark. The structure has exterior walls of masonry, terracotta block and brick facing, with plaster interior finish.

§ 300-256 Lake Osceola Planned Design District Overlay Zone

Purpose and Intent. The Lake Osceola Development Design District shall consist of the parcels and rights-of-way within the boundary shown on the map set forth here as Attachment [TBD]. The purpose of this section shall be to implement the goals of this Article and to promote and ensure that the Jefferson Valley Mall remains a viable economic engine and center of retail and restaurant activity while enhancing the recreational and tourism activities and opportunities provided by the lakefront. The Jefferson Valley Mall has been major regional shopping destination and this Article and specifically this overlay-zone will facilitate the region's continued success. Additionally, while providing for the continued health of the Mall, this section shall also offer incentives for the transformation of Hill Boulevard into a walkable "main-street" attraction by expanding public transportation options and opening increased access to the recreational and tourism opportunities offered by the lakefront. The consistent goals of this Article are to strengthen the economic health of the hamlets within the Town.

A. Permitted Main Uses.

1. The same main uses permitted in the underlying zone in which the subject property lies.
2. The same main uses permitted in the CR (Commercial Recreation) zone.
3. Mixed-use development.
4. Multi-family residential development.
5. Live-work unit developments
6. Stores or shops for the conduct of retail business, bank, post office, restaurant and other places serving food and beverages, professional and business offices, and personal service establishments, including the grooming of house pets, except that no use shall be permitted where any part of the service is conducted outside the premises unless a special use permit has been issued by the Planning Board after due notice and public hearing.

B. Permitted Main Uses by Special Permit

1. The same Special uses permitted by the underlying zone in which the subject property lies.
- 2.

C. Permitted Accessory Uses.

1. The same permitted accessory uses allowed in the underlying zone in which the subject property lies.
2. Signs as approved on the site plan.
3. Outdoor public gathering places.

D. Permitted Accessory Uses by Special Permit.

1. The same permitted accessory uses by special permit allowed in the underlying zone in which the subject property lies.
- 2.

E. Area and Bulk Requirements.

The area and bulk regulations for the Lake Osceola Planned Design District Overlay Zone shall comply as follows:

1. Any project within a planned design district overlay zone and authorized by the Town Board to be considered under the regulations set forth herein shall remain subject to the discretion of the Planning Board set forth in §300-253 and §300-254 to modify the requirements due to the special circumstances of a particular project. The discretion granted in §300-253 and §300-254 is subject to the following requirements:
 - a. Area and Bulk requirements shall be as set forth in the underlying zone and subject to variations and limitations as set forth herein. For multi-family residential or mixed-use residential projects the Planning Board may be guided by the area and bulk

requirements of the R-3 multi-family zone and may apply variations to those requirements within the limitations set forth herein.

- b. FAR. shall be allowed up to, but may not exceed, 0.55;
- c. Maximum height of building shall be as set forth in the underlying zone subject to variation of up to 25% and may not exceed three stories.

F. Design Requirements.

In addition to any other design regulations provided in this Code, the following design guidelines shall apply to mixed-use buildings in the Lake Osceola Planned Design District Overlay Zone:

1. Architectural Designs. All applicants shall adhere to the following guidelines for design standards of any renovation or new construction on a property within the Lake Osceola Planned Design District:
 - a. Exterior renovations or additions to historic buildings shall make every effort to restore the original appearance to the exterior of the building, with modifications only as approved.
 - b. Acceptable architectural forms will include Colonial, Federal, Georgian, and Victorian styles. Exact duplicates of historic buildings are not required; however, designs should reflect a sense of historical styles at an appropriate scale.
 - c. Appropriate use of sheathing (exterior covering) and decorative details. All new construction will be in brick or wood, unless it is demonstrated to the Advisory Board on Architecture & Community Appearance that some other material may be more appropriate given extenuating circumstances of the project, such as an addition on an existing building. Modern sheathing techniques may be used as long as the overall appearance conveys use of traditional building materials.
 - d. The following materials are not preferred for use in the Lake Osceola Planned Design District:
 - i. Prefabricated metal siding, typical of manufactured commercial buildings.
 - ii. Dryvit-faced buildings or similar stucco-type surfaces.
 - iii. Prefabricated rock aggregate faced buildings.
 - iv. Concrete block faced buildings.
 - v. Tilt-up concrete panels.
 - vi. Ribbon glass, tinted glass panels as sheathing, or tinted glass windows, windows that appear to be frameless.
 - e. Unique Buildings. All applicants for renovation of a unique building or new construction on a property on which exists a unique building within the Jefferson Valley Planned Design District shall be required to submit plans that respect the precedents and styles that relate to the early history of the Town. All plans must be in keeping with these guidelines for:
 - iii. Existing unique buildings. For any proposal that includes an existing unique building whether to be modified or not, the applicant shall provide information concerning the original design of the building and the modifications that have taken place to the building. Every effort shall be made to restore the original appearance of the exterior of the building, with modifications only as

considered appropriate by the Advisory Board on Architecture and Community Appearance and the Heritage Preservation Commission, should the unique building be a Designated Landmark.

- iv. Design elements. All proposed improvements to buildings shall be evaluated by the Advisory Board on Architecture and Community Appearance for the appropriateness of the improvement in terms of the following design elements:
 - (a) Overall design and cohesiveness;
 - (b) Appropriate use of exterior sheathing and decorative details;
 - (c) Window and door configuration; and
 - (d) Setbacks and parking areas and site plan considerations.
4. Signage. Sign requirements shall be as required by the underlying zone. The following types of signs shall be preferred in the Lake Osceola Planned Design District Overlay Zone as outlined in the Town of Yorktown Signage ordinance Manual.
- a. Sign designs should utilize historically-referenced styles, colors, and materials to create attractive, functional, legible signs that can further enhance the town's character.
 - b. Freestanding signs should be monument signs. Using brick piers or bases with uplighting is encouraged.
 - c. Building sign designs should enhance and accent the architecture and character of the building. Signs should not block or dominate the building façade.
 - d. Building signs, painted wood signs or awning signs that are coordinated with the style, shape, color, and scale of the building are preferable to internally lit 'box signs'.
5. Site Planning and Design. Every effort shall be made to maintain and encourage designs and layouts that enhance the pedestrian experience and experience of Lake Osceola, including enhancing views, providing public gathering spaces, and public use of the lake:
- a. Development shall attempt to offer amenities that include use of or enhanced views of the lake. Lakefront properties should be encouraged to participate in a boardwalk or pedestrian walkway system when feasible.
 - b. Loading docks, overhead doors, and other service entries shall be screened and not be located facing primary street facades.
 - c. Applicants shall be encouraged to contribute to the public spaces. Lighting fixtures and street furniture installed along public rights-of-way shall match to visually link the overlay zone.
 - d. Landscaping. Landscaping shall be provided to create attractive facades and screen views of parking, loading, and refuse areas from the property frontage and from residential uses.
 - e. Parking shall not be located in the front yard unless this requirement is waived by the Planning Board due to the special circumstances of a particular site.
 - f. Shared parking and conservation parking spaces shall be encouraged wherever possible to reduce unnecessary underutilized parking areas.
 - g. Sidewalks. All sidewalks shall be properly maintained in accordance with Town regulations. All new property developments and redevelopments must provide

sidewalks along any property lines that front on public streets, unless this requirement is waived by the Planning Board due to the special circumstances of a particular site. Internal sidewalks will be provided as deemed appropriate by the Planning Board.

G. Access to Site; Off-Street Parking.

1. The required parking for residential units is 1.5 parking spaces per dwelling unless modified by the Planning Board.
2. The required parking for commercial uses shall be as required by §300-182 unless modified by the Planning Board due to special circumstances of a particular site including, but not limited to:
 - a. The use of shared parking between different uses on the same site and/or shared parking between adjacent properties.
 - b. The use of conservation parking spaces.
 - c. The availability of on-street parking or public parking within close proximity to the site.
 - d. Variation in the probable time of maximum use of differing uses on the same site.

H. Recreation.

The required recreation for multi-family units built within mixed use development projects shall be as required in the R-3 zone except that the Planning Board may modify this requirement due to special circumstances of a particular site and the proximity of the site to nearby public recreation.

I. Plan of Development.

No building permit or certificate of occupancy for any building designed for multi-family mixed-use residential developments, town-house style residential developments, stores or shops for the conduct of retail business, or professional and business office developments within the Jefferson Valley Planned Design District Overlay Zone shall be issued, except in accordance with a plan of development or amendment thereof approved by the Planning Board, and after said approved plan of development, signed and certified by the Chairperson of the Planning Board is issued and filed with the Town Clerk in the records of the Town.

J. Official submission and review of plan.

The Planning Board shall take action within 62 days of the submission to it of the plan of development. The site plan shall be considered officially submitted only when all the required surveys, plans and data in accordance with the requirements of Chapter 195, Land Development described in the above sections have been checked for completeness by the Town Engineer and Director of Planning and filed with the Planning Board.

K. Unique buildings.

The Town Board acknowledges that there are unique buildings holding historical value within the Town and the Town Board may, in its discretion, designate a building as a unique building under its own incentive or upon referral by the Advisory Board on Architecture and Community Appearance. Modifications necessary to accommodate a new use will be permitted; however, it is

Version of 3/9/21 TB meeting

last revised 11/18/21

the intention to require that all project plans retain original features of the buildings, including window type and configuration, front entries, storefronts (if applicable), and identifying decorative details, including those that provide a historical reference to the original use of the building. This provision shall be in addition to the requirements of Chapter 198: Heritage Preservation, should a unique building be a Designated Landmark.

The Town Board hereby designates the following buildings in this Jefferson Valley Planned Design District as unique buildings:

466 EAST MAIN STREET

A gothic revival style wood frame structure built in 1861 and once known as Bailey's Lodge.

3642 HILL BOULEVARD – LOURDES BUILDING

Built in 1975, the shopping center with large mansard roof is part of the unique character of the Jefferson Valley hamlet.

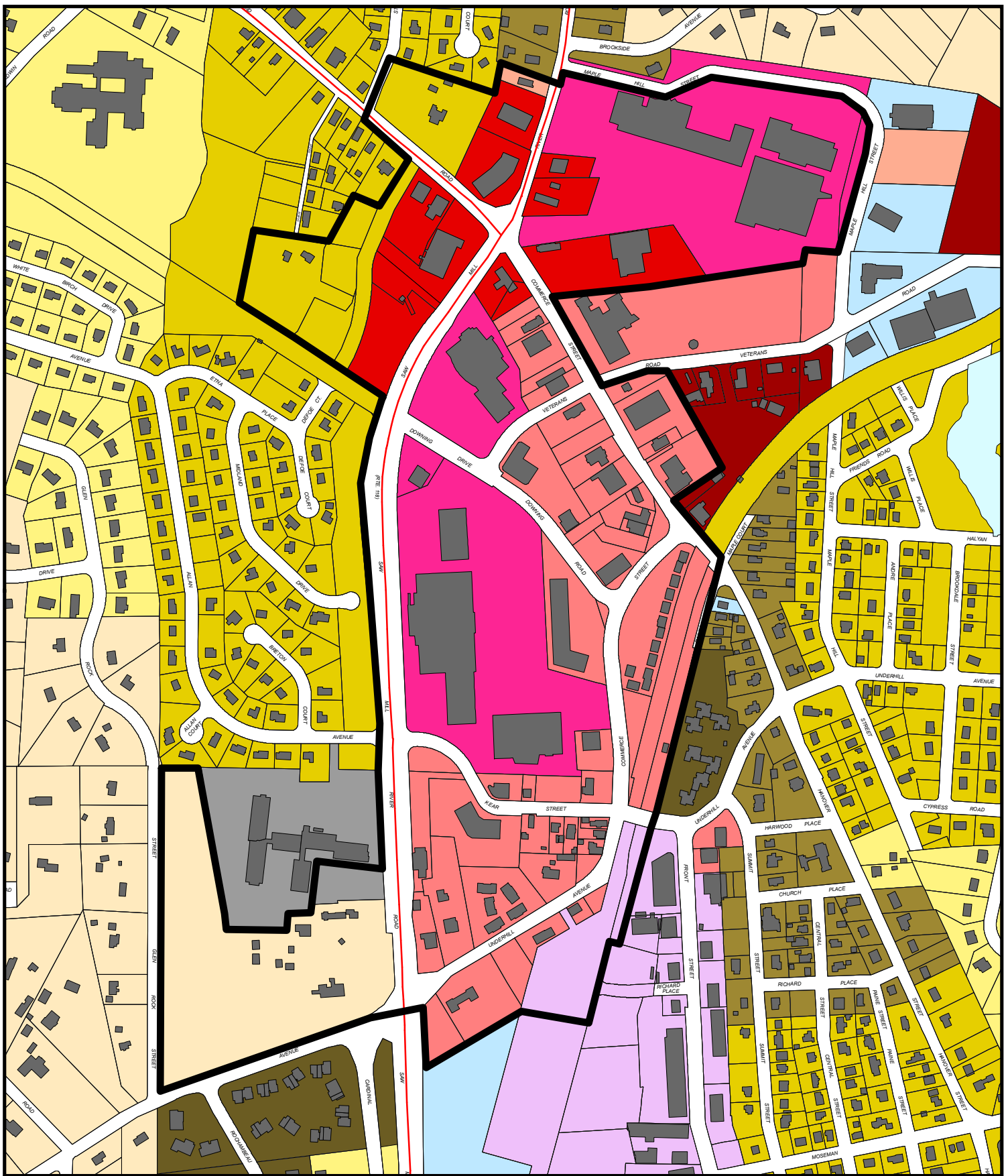
§ 300-257 [Reserved]

§ 300-258 [Reserved]

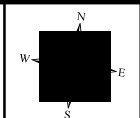
§ 300-259 [Reserved]

§ 300-260 [Reserved]

§ 300-261 [Reserved]

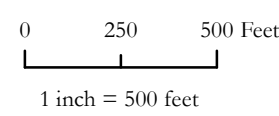


TOWN OF YORKTOWN PLANNING DEPARTMENT
 Albert A. Capellini Community & Cultural Center
 1974 Commerce Street, Yorktown Heights, NY 10598
 (914) 962-6565, www.yorktownny.org/planning



TITLE: Yorktown Heights Planned Design District
 DATE: March 4, 2021

FILE: F:\ArcGIS\PROJECTS\Overlay Districts\Yorktown Heights.mxd
 BY: RAS



 Yorktown Heights Planned Design District Boundary

Source: Town of Yorktown GIS 2020.



YORKTOWN HEIGHTS OVERLAY DISTRICT ZONING

ENVIRONMENTAL ASSESSMENT FORM PART 1

Yorktown Heights, Town of Yorktown, New York

DRAFT

Prepared for:
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY, 10598

November 19, 2021

BFJ Planning

YORKTOWN HEIGHTS OVERLAY DISTRICT ZONING

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

NOVEMBER 19, 2021

DRAFT

Prepared on behalf of:

Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York, 10598

Prepared by:

BFJ Planning
115 Fifth Avenue
New York, New York, 10003

ACKNOWLEDGEMENTS

TOWN SUPERVISOR AND TOWN BOARD

Supervisor Matthew Slater
Councilman Tom Diana
Councilman Ed Lachterman
Councilman Vishnu Patel
Councilwoman Alice E. Roker

TOWN CLERK

Diana L. Quast, Certified Municipal Clerk

TOWN OF YORKTOWN STAFF

John A. Tegeder, R.A., Director of Planning
Robyn A. Steinberg, AICP, Town Planner

BFJ PLANNING

Frank Fish, FAICP, Principal
Sarah Yackel, AICP, Principal
Taylor Young, AICP, Senior Planner

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Attachment C: Traffic

Attachment D: Water and Sewer

DRAFT

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

DRAFT

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Yorktown Heights Overlay District Zoning		
Project Location (describe, and attach a general location map): Yorktown Heights hamlet, Town of Yorktown, Westchester County (see Figure 1 and Figure 2)		
Brief Description of Proposed Action (include purpose or need): The Town of Yorktown is proposing a zoning overlay for a portion of Yorktown Heights hamlet to promote downtown revitalization, economic development, and to provide housing opportunities in the hamlet. The proposed Yorktown Heights Planned Design District Overlay Zone would permit multifamily residential developments, mixed-use residential and commercial buildings, and live/work units in an area that is mostly zoned for commercial development. The proposed zoning would also allow developments to have a floor-area ratio (FAR) of 0.55, and would permit buildings heights of three stories or four stories if the site is ten acres or larger. The underlying zoning would regulate area and bulk requirements, however the Planning Board may be guided by the area and bulk requirements of the R-3 district for residential and mixed-use developments. The Yorktown Heights Planned Design District Overlay Zone is being reviewed at the same time as the Lake Osceola Development Overlay Zone, however they each have a separate EAF. The two districts are in different parts of the Town of Yorktown, are in different school districts, do not rely on each other, and do not influence each other.		
Name of Applicant/Sponsor: Yorktown Town Board	Telephone: (914) 962-5722	E-Mail:
Address: 363 Underhill Avenue		
City/PO: Yorktown Heights	State: New York	Zip Code: 10598
Project Contact (if not same as sponsor; give name and title/role): John Tegeder, Director of Planning	Telephone: (914) 962-6565	E-Mail: jtegeder@yorktownny.org
Address: 1974 Commerce Street (Albert A. Capellini Community and Cultural Center)		
City/PO: Yorktown Heights	State: New York	Zip Code: 10598
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board Adoption	December 2021
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yorktown Planning Board Recommendation	December 2021
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County Planning Department: Non-binding 239-m Review	December 2021
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):
 NYC Watershed Boundary Hudson Valley Greenway Compact,

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Residential Districts: R1-10, R1-40, R-2, RSP-2. Commercial Districts: C-1, C-2R, C-3. Industrial Districts: I-2

b. Is the use permitted or allowed by a special or conditional use permit? N/A - Proposed Action is a Zoning Overlay Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? New Overlay District: Yorktown Heights Planning Design District Overlay Zone

C.4. Existing community services.

a. In what school district is the project site located? Yorktown Heights Central School District

b. What police or other public protection forces serve the project site?
Yorktown Police Department

c. Which fire protection and emergency medical services serve the project site?
Yorktown Fire Department, Yorktown Volunteer Ambulance Corps

d. What parks serve the project site?
Junior Lake Park, North County Trailway, Franklin Delano Roosevelt State Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p> <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 864-119 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ Red Maple-Hardwood Swamp <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ 178.7 acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: Eligible property: Floral Villa, Yorktown Heights Railroad Station	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

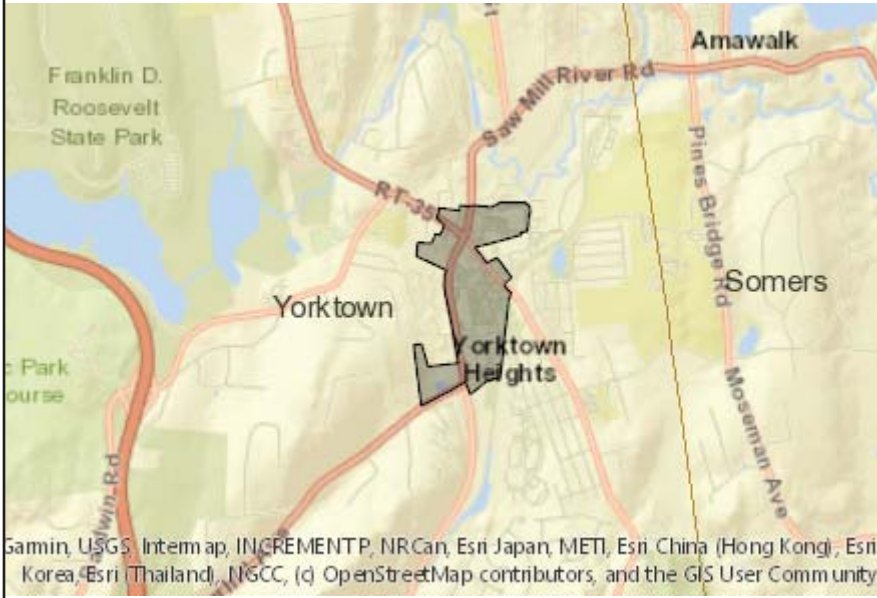
**See Attachments. A: Development Projection, B: School Age Children Projection, C: Traffic, D: Water and Sewer*

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name John Tegeder Date _____

Signature _____ Title Director of Planning, Town of Yorktown



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

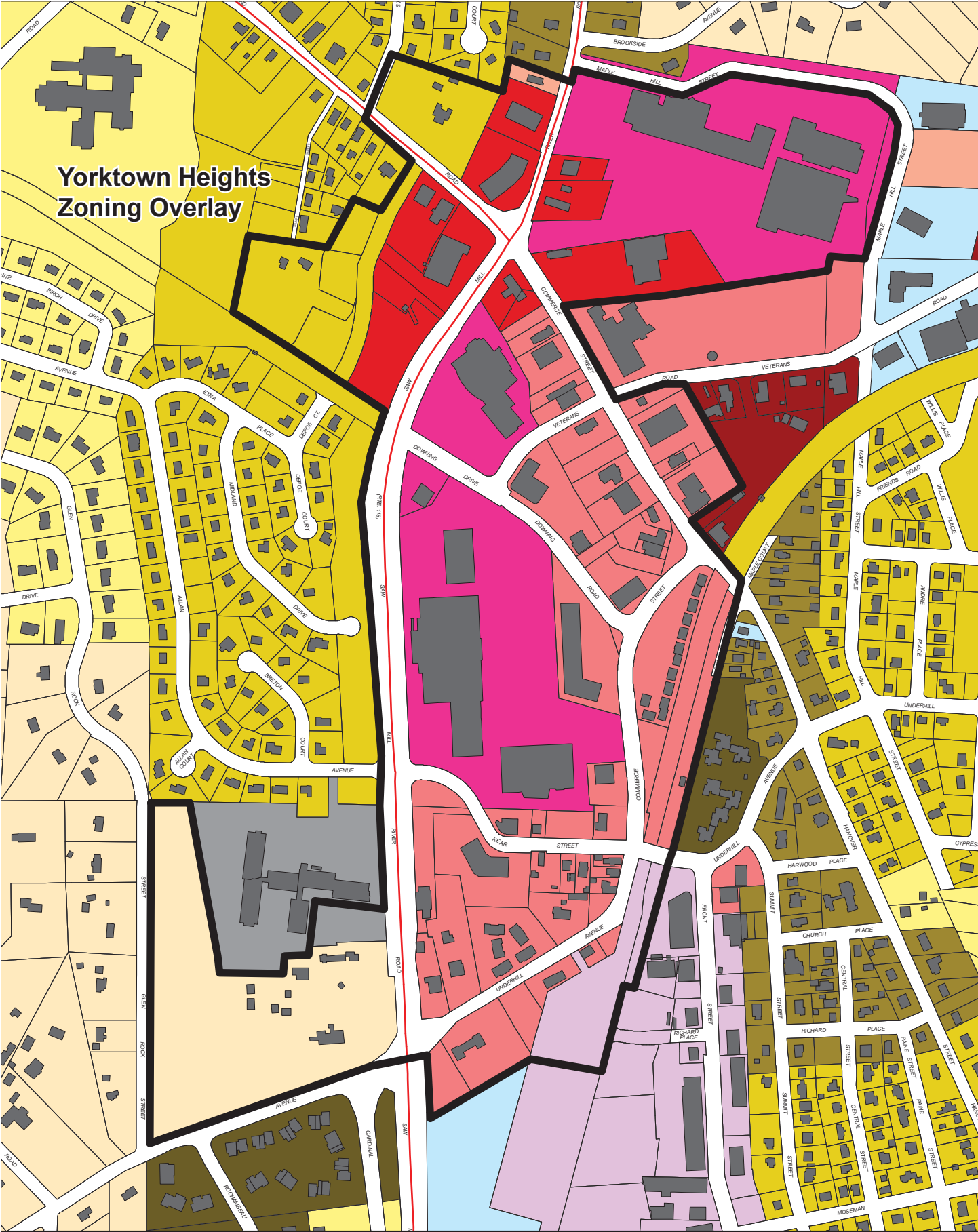


B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	864-119
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Red Maple-Hardwood Swamp
E.2.n.i [Natural Communities - Acres]	178.7
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Floral Villa, Yorktown Heights Railroad Station
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



Source: Town of Yorktown, ArcGIS



**Yorktown Heights
Zoning Overlay**

ATTACHMENT A: DEVELOPMENT PROJECTION

DRAFT

Via email

To: John A. Tegeder, Director of Planning
Town of Yorktown

From: Frank Fish FAICP, Principal
Sarah Yackel, AICP, Principal
Taylor Young, AICP, Senior Planner

Subject: Yorktown Heights Overlay District Reasonable Estimate of Future Development

Date: November 19, 2021

Executive Summary

This memorandum seeks to establish the Reasonable Estimate of Future Development for the Yorktown Heights Overlay District. We have placed potential development in Yorktown Heights into two categories: Known Development Sites and Soft Sites. The Known Development Sites are developments that have come before the Town and were discussed at our kickoff meeting in late August. Soft Sites include potential development sites that have not come before the Town but may in the future due to their future vacancy status and/or existing common ownership.

To project the total number of residential units and commercial gross square feet (GSF) that are likely to be constructed in the next ten years, we combined the incremental change in development (increase or decrease) from the Known Development Sites with 25 percent of the incremental change in development from the Soft Sites. We found the Reasonable Estimate of Future Development is 405 residential units, 18 hotel rooms, and a reduction of approximately 92,464 GSF of commercial space. The amount of commercial space would be reduced because the buildings on the potential development sites have mostly commercial uses, and they would be replaced by buildings that are largely residential with some ground-floor commercial uses.

1. Known Development Sites

There are four Known Development Sites in the Yorktown Heights Overlay District. They are Underhill Farms, Yorktown Green, the Roma Development, and the Boutique Hotel. Underhill Farms, Yorktown Green, the Roma Development would be mostly residential projects with some accessory commercial space. The Boutique Hotel development would have hotel rooms and a rooftop bar and grill. The source of the information shown in Table 1 is from our meeting in late August, site plans, recent news articles, and the Town of Yorktown website. These developments are shown on the attached Figure 1.

Table 1: Known Development Sites

Known Development Sites	Proposed Residential Units	Proposed Commercial Area (GSF)
Underhill Farms	165	11,375
Yorktown Green	150	12,260
Roma Development	42	9,700
Boutique Hotel	Hotel Rooms: 18	2,600
Total	357 Residential Units and 18 Hotel Rooms	35,935

Incremental Change in Development

The incremental change in development is measured by subtracting any existing development on a site from the amount of proposed development for the site. Measuring the incremental change helps isolate changes in residential units or commercial square footage, which is important for analyzing the impacts of new development that could occur under zoning changes.

We measured the incremental change at Yorktown Green¹, the Roma Development, and the Boutique Hotel by subtracting existing building’s square footage from the proposed development plans. For Underhill Farms, which is currently vacant and is within the R1-40 residential district, we have subtracted the number of residential units that could be constructed under existing zoning. The R1-40 district permits single-family homes with a minimum lot size of 40,000 square feet, and we project that a developer could build 12 single-family homes on the site under existing zoning². Table 2 shows the existing floor area for each of the Known Development Sites, the proposed number of residential units and commercial floor area, and the incremental change in residential units and commercial floor area.

¹ The former K-Mart building at the Yorktown Green site is currently vacant. It could, however, be renovated and occupied by a national grocery chain (Wegmans, Trader Joes, Whole Foods, etc.) or other retailer that could succeed at the site. We are therefore counting the commercial space at the site for the measurement of incremental development change.

² The site area of Underhill Farms is approximately 600,459 square feet (13.8 acres). Existing zoning permits single-family homes with a minimum lot size of 40,000 square feet. When you divide the total lot size by the minimum lot size, you get 15 single-family homes. This, however, does not take into account subdivision design, circulation, and any natural features on the site. We therefore project that 12 single-family homes could be built on the Underhill Farms site.

Table 2: Incremental Increase in Development at Known Development Sites

Known Development Sites	Existing Development or Development Potential		Development Potential		Potential Increment	
	Res. Units	Comm. SF	Res. Units	Comm. SF	Res. Units	Comm. SF
Underhill Farms	12	-	165	11,375	152	11,375
Yorktown Green	-	90,119	150	12,260	150	(-77,859)
Roma Development	-	26,000	42	9,700	42	(-16,300)
Boutique Hotel	-	5,413	18 hotel rooms	2,600	18 hotel rooms	(-2,813)
Total	12	121,532	357 units and 18 hotel rooms	23,675	345 units and 18 hotel rooms	(-85,597)

2. Known Developments that Are Not Analyzed

There are two sites with known developments that are not analyzed in this Reasonable Estimate of Future Development. The Weyant site is located north of Crompond Road/Route 202, west the Roma Development and east of Hamblyn Street. The Weyant site has an approved site plan for 23 townhomes, meaning they could be constructed without the proposed overlay, and we understand that the developer of the site will not be proposing a new site plan under the overlay. The Mongero/Commerce Bank site is located west of Saw Mill River Road across from Uncle Giuseppe’s Marketplace. The site is not included in this estimate because there is an approved site plan for a Commerce Bank on the site, and portions of the site are covered by wetlands, which limits its development potential.

3. Soft Sites

Soft Sites are developments that are unknown to the Town, but are sites that may reasonably be developed in the next 10 years. Soft Sites were identified either through discussions with the Town of Yorktown Planning Department, who have an understanding of local development trends and building ownership, or by looking at sites within the overlay boundary that are under common ownership and would be underbuilt (have significantly less building area building area than permitted) under the proposed overlay zoning.

We project the amount of development that could be reasonably constructed on the Soft Sites using a three-step process. First, we used a set of assumptions to project the amount of residential and commercial development that could occur on the Soft Sites. We then subtract any existing development on each site from the development potential to measure the incremental change in development. Finally, we estimate that 25 percent of the incremental change in development would be constructed in the next ten years. We chose 25 percent based upon our experiences in other Westchester County communities, where 25 percent of development potential has rarely, if ever, been exceeded. The reasons for this are variable market conditions, complicated real estate ownership and family dynamics, and the choices of various property owners not to develop.

Identification of Soft Sites

We have analyzed five Soft Sites. Uncle Giuseppe's Marketplace was discussed at our meeting in late August and we identified Underhill Plaza as a relatively large site that would be underbuilt considering it has a single-story building and the proposed overlay would allow three stories and a floor area ratio (FAR) of 0.55. The Downing and Commerce site includes three parcels that are currently under common ownership that are occupied by single-story commercial buildings. The Gilbert Street Lots are a collection of three lots south of Gilbert Street, and west of Saw Mill River Road. One parcel has a single-family house on it, and two other parcels are vacant. The three lots are currently within the R1-10 district, and the proposed overlay significantly increases their development potential. The final soft site is the Triangle Shopping Center, which we do not think will be redeveloped, but may have the potential for a small commercial expansion. These sites are shown on the attached Figure 1.

Development Potential

To project the total amount of development that could occur on the Soft Sites, we assumed that the sites would be built out to their full development potential of 0.55 FAR and three stories in height. We assumed that a single mixed-use building would occupy the site, that half of the ground floor would be used for commercial use, and that the remaining two and a half stories would be residential. We then divided the amount of residential gross square footage (GSF) by 900 square feet as an average unit size. These assumptions would include any mechanical and circulation space in the building.

The only exception to these assumptions is the Triangle Shopping Center. The Triangle Shopping Center has a large commercial footprint with a high occupancy rate. It has a high potential for future revenue growth if new residential development occurs on nearby properties. There are no active plans in front of the Town for an expansion of the shopping center. However, there are a few areas on the shopping center parcel that could potentially be developed for free-standing retail, restaurant, bank, or office uses. We project that there is potential for approximately 5,000 square feet of additional commercial development. See Table 3 for a summary of development potential on the Soft Sites.

Table 3: Soft Sites Development Potential

Soft Sites	Uncle Giuseppe's	Underhill Plaza	Downing and Commerce	Gilbert Street Lots	Triangle Shopping Center Addition
Site Area (square feet)	168,529	92,774	49,290	163,913	705,173
Floor Area Ratio (FAR)	0.55	0.55	0.55	0.55	0.55
Maximum Mixed-Use GSF	92,691	51,026	27,110	90,152	N/A – No
Building Height (stories)	3	3	3	4	redevelopment
Residential GSF (2.5 stories)	76,934	42,352	22,501	78,432 (3.5 stories)	projected
Commercial GSF (0.5 story)	15,757	8,674	4,609	11,720	5,000 addition
Residential Units (900 square feet per unit)	85	47	25	87	0

Incremental Development Potential

The incremental change in development is the measure of any additional floor area or reduction of floor area that would be developed at the Soft Sites when what currently exists on the site is subtracted. Table 4 shows the incremental development potential on each of the Soft Sites.

Table 4: Incremental Development Potential

Soft Site Summary	Existing Development		Development Potential		Potential Increment	
	Res. Units	Comm. SF	Res. Units	Comm. SF	Res. Units	Comm. SF
Uncle Giuseppe's	-	43,260	85	15,757	85	(-27,503)
Underhill Plaza	-	23,074	47	8,674	47	(-14,400)
Downing and Commerce	-	10,500	25	4,609	25	(-5,891)
Gilbert Street Lots	1	-	83	15,326	82	15,326
Triangle Shopping Center Addition	-	-	-	-	-	5,000
Total	1	76,834	240	49,366	239	(-27,468)

Note: The size of the existing developments was provided by the Town of Yorktown Planning Department, Assessor, or measured using the Westchester County building footprint shapefile in ArcGIS.

Soft Sites Reasonable Development Projection

The reasonable development projection is the amount of incremental development that could occur on the Soft Sites that is reasonable to expect would occur in the next ten years. We estimate that 25 percent of the potential incremental development from the Soft Sites would be constructed in the next ten years. This results in 60 residential units and a reduction of 6,867 square feet of commercial space.

Table 5: Soft Sites Reasonable Development Projection

Soft Sites: Incremental Development Potential	Residential Units	Commercial SF
Uncle Giuseppe's	85	(-27,503)
Underhill Plaza	47	(-14,400)
Downing and Commerce	25	(-5,891)
Gilbert Street Lots	82	15,326
Triangle Shopping Center Addition	-	5,000
Total Development Potential	239	(-27,468)
Adjusted Projection (25% of Units/Square Feet over 10 Years)	60	(-6,867)

4. Other Sites That Are Not Analyzed

There are a few sites within the overlay boundary that we have not analyzed as Soft Sites. The largest site is the Cablevision site, which is located southwest of the Roma Development across Crompond Road/Route 202. The Cablevision site includes two parcels with a common owner, which are occupied with three commercial buildings. One building is occupied by a Verizon Wireless store (2035 Crompond Road), and the other (2025 Crompond Road) is occupied by an Allstate insurance office and a Kumon tutoring center. The third building is a two-story multitenant building (2013 Crompond Road). The Cablevision site is large, and could be redeveloped with residential uses, however the three buildings appear to be mostly occupied, and it is our understanding that the site is unlikely to be redeveloped in the next ten years.

Other parcels that were not analyzed include Town-owned parcel west of the Cablevision site. It is reserved as an easement for a future roadway connection between Saw Mill River Road and Crompond Road/Route 202. The commercial developments along Commerce Street, Kear Street, and Underhill Avenue were not analyzed as soft sites because they are occupied by commercial buildings and are owned by different parties. Further, the sites are currently within the C-2R zoning district, which allows for mixed-use residential and commercial developments. The proposed overlay district would allow relaxations to parking minimums and bulk, but the overlay isn't a major increase in development potential for these sites.

5. Yorktown Heights Overlay District Reasonable Estimate of Future Development

We created the reasonable estimate of future development that would be produced by the Yorktown Heights Overlay District by combining the incremental change in development at the Known Development Sites with the projected incremental change in development from the Soft Sites. Table 6 shows that using this methodology, we project that the Yorktown Heights Zoning Overlay would produce 405 residential units, 18 hotel rooms, and would reduce commercial space in the overlay by 92,464 GSF over the next ten years. Commercial floor area would be reduced because largely commercial developments would be redeveloped with mostly residential buildings. There could be a reduction in the change in commercial area once we know the amount of ground-floor commercial space proposed in the Yorktown Green Development.

Table 6: Reasonable Estimate of Future Development

Incremental Change in Development	Residential Units	Commercial SF
Known Development Sites	345 Units and 18 Hotel Rooms	(-85,597)
Soft-Site Projection (25% of Potential Incremental Units/GSF over 10 Years)	60	(-6,867)
Reasonable Estimate of Future Development	405 Units and 18 Hotel Rooms	(-92,464)

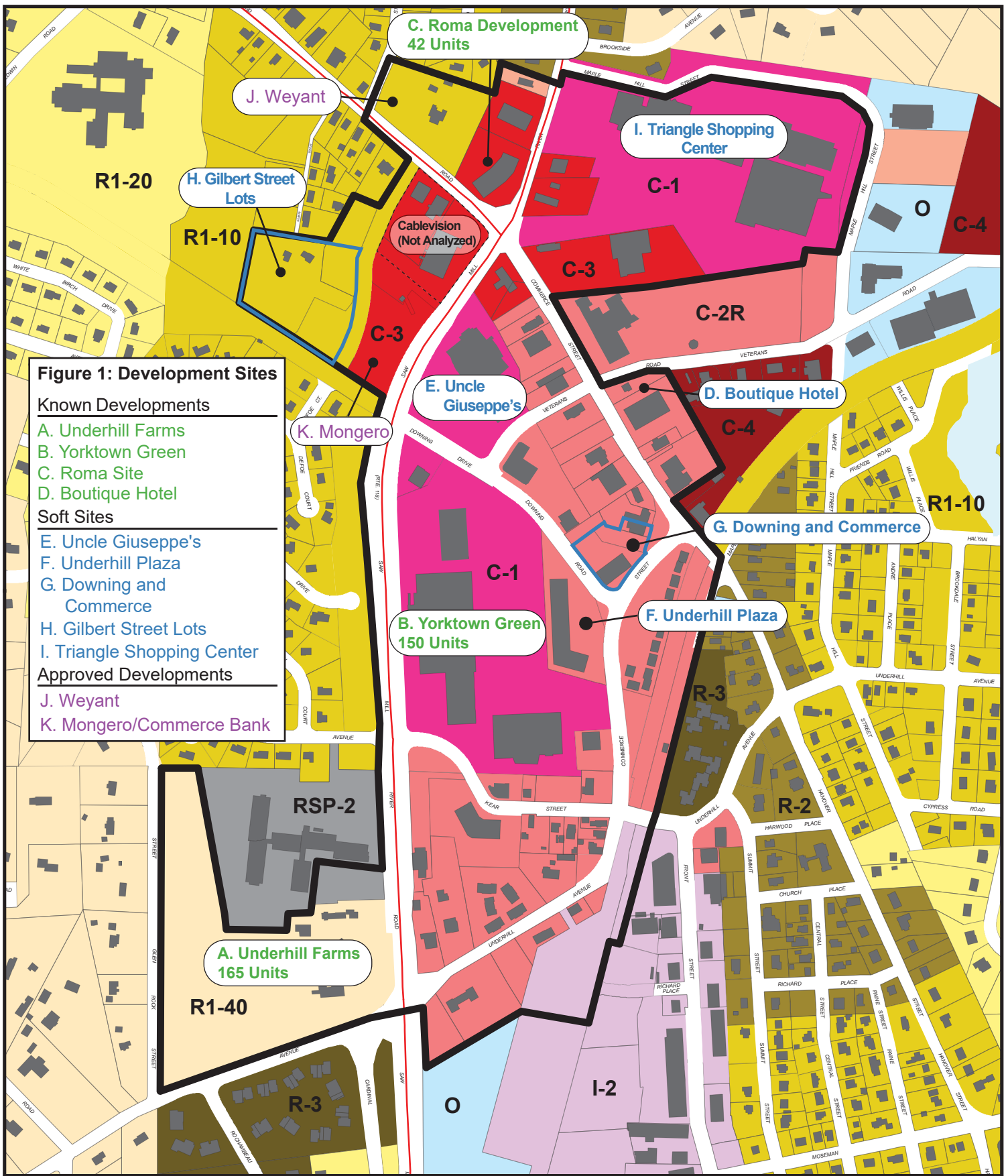


Figure 1: Development Sites

Known Developments

- A. Underhill Farms
- B. Yorktown Green
- C. Roma Site
- D. Boutique Hotel

Soft Sites

- E. Uncle Giuseppe's
- F. Underhill Plaza
- G. Downing and Commerce
- H. Gilbert Street Lots
- I. Triangle Shopping Center

Approved Developments

- J. Weyant
- K. Mongero/Commerce Bank

C. Roma Development
42 Units

J. Weyant

H. Gilbert Street
Lots

I. Triangle Shopping
Center

Cablevision
(Not Analyzed)

E. Uncle
Giuseppe's

D. Boutique Hotel

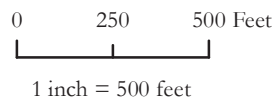
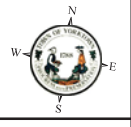
K. Mongero

B. Yorktown Green
150 Units

F. Underhill Plaza

A. Underhill Farms
165 Units

TOWN OF YORKTOWN PLANNING DEPARTMENT
Albert A. Capellini Community & Cultural Center
1974 Commerce Street, Yorktown Heights, NY 10598
(914) 962-6565, www.yorktownny.org/planning



TITLE: Yorktown Heights Planned Design District
DATE: May 7, 2021

FILE: F:\ArcGIS\PROJECTS\Overlay Districts\Yorktown Heights.mxd
BY: RAS

Yorktown Heights Planned Design District Boundary

Source: Town of Yorktown GIS 2020.

ATTACHMENT B: SCHOOL AGE CHILDREN PROJECTION

DRAFT

Yorktown Heights Overlay Zoning District School Age Children Generation

Date: November 19, 2021

Introduction

The Town of Yorktown is proposing zoning a zoning overlay in Yorktown Heights to promote mixed-use development. The Yorktown Heights Overlay District would be within the Yorktown Central School District. This analysis includes a review of school enrollment trends, Yorktown population trends, and the school age children projection, and the fiscal benefits of the proposed action.

School Enrollment Trends

Yorktown Central School District

The total enrollment in the Yorktown Central School district has declined steadily since the 2011-12 school year. Middle school and high school enrollment have declined by 14 and 17 percent respectively, while elementary school enrollment has increased by two percent during the same period (see Table 1).

Table 1: Yorktown Central School District Enrollment Trends

Year	Total Enrollment	Elementary	Middle	High
2011-12	3,698	1,467	935	1,296
2012-13	3,615	1,405	925	1,285
2013-14	3,518	1,361	894	1,263
2014-15	3,440	1,411	808	1,221
2015-16	3,465	1,436	795	1,234
2016-17	3,428	1,420	781	1,227
2017-18	3,442	1,466	812	1,164
2018-19	3,394	1,437	829	1,128
2019-20	3,401	1,475	809	1,117
2020-21	3,381	1,498	801	1,082
Change 2011-12 to 2020-21	(-317)	31	(-134)	(-214)
% Change 2011-12 to 2020-21	(-9%)	2%	(-14%)	(-17%)

Source: NYSED School Enrollment Data

Town of Yorktown Population Trends

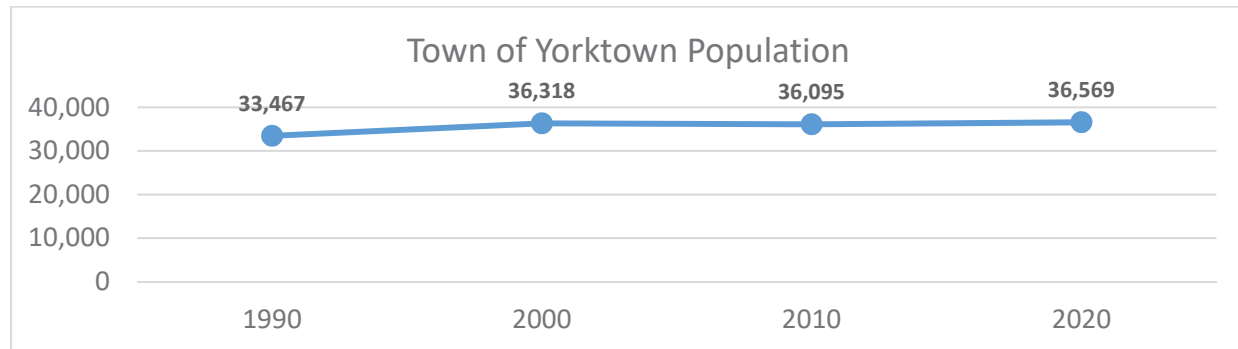
The Town of Yorktown's population has grown over the past four decades. The population grew by roughly 1,000 people between 1990 and 2000 before declining between 2000 and 2010. Between 2010 and 2022, the population grew by 474 people, which represents a 1.3 percent growth rate.

Table 2: Town of Yorktown Population Trends

	1990	2000	2010	2020	Change 2010 to 2020	% Change 2010 to 2020
Total Population	33,467	36,318	36,095	36,569	474	1.3%

Source: United States Census Bureau, Decennial Census

Figure 1: Town of Yorktown Population Trends



Village Population and School Enrollment Comparison

The total population of the Town of Yorktown has increased by 474 people since 2010, but total school enrollment for the Yorktown Central School District has fallen. The Town’s population grew by 1.3 percent, but overall school enrollment fell by 9 percent. Enrollment in the elementary schools did, however, increase along with the Town’s population (2 percent increase in elementary enrollment).

Projections for New School Age Children Generated by the Proposed Overlay Districts

We used two different sources to project the number of new school age children that could be created by the proposed zoning overlays in Yorktown Heights. The sources include multipliers produced by researchers at Rutgers University, and by using multipliers that we have observed through our 40 years of experience of planning in Westchester County and the tri-state region.

Yorktown Heights Overlay School Age Children Projection

Yorktown Heights Overlay District Development Projection

We project that the Yorktown Heights Zoning Overlay would produce an incremental increase in 405 housing units. The known development sites, including Underhill Farms, Yorktown Green, and the Roma Development would produce an incremental increase of 345 units. We project that the soft sites would produce an incremental increase of 60 residential units.

Except for Underhill Farms, each of the known development sites would consist of multifamily apartment units. Underhill Farms would have 54 townhomes, 26 condo units, and 85 apartments; however, the property is currently zoned for residential development and could be used for 12 single-family homes. Therefore, the Underhill Farms site would have an incremental increase of 153 total units, 54 of which

would be townhomes¹. For this analysis we consider condo units and apartments to both be multifamily units that would produce the same number of children per unit.

Using data from the Rutgers University study and our professional observations, we project that the potential residential development produced under the proposed Yorktown Heights Overlay District would range between 40 and 49 school age children over the next 10 years.

Yorktown Heights Residential Demographic Multipliers - Rutgers Multipliers

The Rutgers University Center for Urban Policy Research published demographic multipliers in 2006, and they have since been used for school-age children analyses. The Rutgers University Center for Real Estate updated the 2006 study in 2018 when they published *School Age Children in Rental Units in New Jersey: Results from a Survey of Developers and Property managers*. The study uses observations from multifamily housing developments in New Jersey, but we believe the findings can be applied to the tri-state region. We use the updated 2018 multipliers in this analysis.

The Rutgers analysis presents school age children multipliers for housing units based on many different factors. These include the number of bedrooms, type of development (high-rise, mid-rise, low-rise), average income of the occupying household, affordability of the unit (market-rate or affordable), and age of the development. Since we are unaware of the unit mix of most of the potential multifamily units, we have chosen to use the generation rate that the researchers observed in market-rate developments constructed after 2000. For the townhome units, we used the multiplier for two-bedroom units in low-rise developments that have an average household income of over \$100,000². Using these multipliers we project that a total of 49 school age children would be generated by the potential development that would occur within the Yorktown Heights Overlay District.

Table 3: Yorktown Heights School Age Children Projection - Rutgers Data

Unit Type	Number of Units	Rutgers School Age Children Multiplier (per unit)	Projected School Age Children
Townhome	54	0.282	15
Multifamily Apartment	351	0.098	34
Total	405	-	49

Source: *School Age Children in Rental Units in New Jersey: Results from a Survey of Developers and Property Managers*. Rutgers Center for Real Estate – White Paper Series. Davis, Frame, Ladall, and Tantleff. July 2018.

¹ Our projection represents a conservative estimate because we have not subtracted the number of school children that could live in the 12 single-family homes.

² The Rutgers study groups townhomes and low-rise multifamily buildings together as low-rise buildings.

Yorktown Heights Residential Demographic Multipliers – BFJ Multipliers

BFJ Planning has over 40 years of experience planning in Westchester County and the tri-state region. We have done numerous school age children projections, and based on our professional knowledge we find that 0.07 children per unit can be expected for multifamily apartment units. Our observed townhome data needs further analysis, and we have therefore used the townhome multiplier that was used in the Rutgers analysis. Using a mix of our professional observations and the Rutgers data we project that 40 school age children would be generated by new development within the Yorktown Heights Zoning Overlay District.

Table 4: Yorktown Heights School Age Children Projection - BFJ Observations and Rutgers Data

Unit Type	Number of Units	Rutgers School Age Children Multiplier (per unit)	Projected School Age Children
Townhome	54	0.282	15
Multifamily Apartment	351	0.07	25
Total	405	-	40

Source: BFJ Planning; School Age Children in Rental Units in New Jersey: Results from a Survey of Developers and Property Managers. Rutgers Center for Real Estate – White Paper Series. Davis, Frame, Ladall, and Tantleff. July 2018.

Fiscal Benefits

Residential construction is an economic engine for the local economy and provides some new job opportunities for residents as well as additional revenue for local governments. Table 5 and Table 6 show a summary of the estimated economic benefits of multifamily residential construction for a typical metropolitan area³. The model for this estimate was created by the National Association of Home Builders (NAHB) and is not site-specific to Yorktown Heights. It is meant to show a generic model of economic impacts⁴.

Table 5: One Year Impacts of the Projected Residential Development in the Yorktown Heights Zoning Overlay District

Development	Units	Local Income	Local Taxes (Inc. Fees, Etc.)	Local Jobs Supported
Yorktown Heights Overlay Projection	405	\$47,356,650	\$8,955,360	652

Source: NAHB, 2015

³ National Association of Home Builders, 2015. “The Economic Impact of Home Building in a Typical Local Area: Income, Jobs and Taxes Generated.” We note that this model is for multifamily apartment construction, and 54 of the proposed 405 units would be developed as townhomes. The NAHB only provides models for single-family and multifamily apartment units. The multifamily apartment units have a lower fiscal benefit than single-family units, and therefore we believe this represents a conservative estimate.

⁴ We understand from the Town of Yorktown Planning Department that none of the Known Development Sites are asking for a payment in lieu of taxes (PILOT) or other tax abatement from the Town. Since the Known Development Sites represent the majority of the projected residential units in the overlay, we assume that none of developments would ask for PILOT.

Table 6: Ongoing, Annual Effect of Projected Residential Development in the Yorktown Heights Zoning Overlay District

Development	Units	Local Income	Local Taxes (Inc. Fees, Etc.)	Local Jobs Supported
Yorktown Heights Overlay Projection	405	\$10,694,430	\$2,039,175	178

Source: NAHB, 2015

These are local impacts, representing income and jobs for residents in the area, and taxes (and other sources of revenue, including permit fees) for all local jurisdictions within the local area. Table 5 specifically highlights both the direct and indirect impacts of the construction activity itself, including the spending of construction workers into the local area’s economy. Table 6 summarizes the recurring impacts from the new units becoming occupied (taxes paid, participation in the local economy, etc.). This model accounts for the natural vacancy rate typical for multifamily properties. The total projected local taxes (one-time plus recurring) amounts to \$10,994,535.

We estimate that 71.77 percent of the \$10,994,535 estimated local taxes would go to the Yorktown Central School District, for a total of \$7,890,778, while approximately \$1,321,543 would go to the Town of Yorktown⁵.

Based on this review of economic impacts, the proposed Yorktown Heights Overlay District is expected to have a tax positive impact on the Town of Yorktown and the Yorktown Heights Central School District.

Summary and Conclusion

Table 7 compares the school age children projections for the Yorktown Heights Overlay District using data from the 2018 Rutgers study and BFJ Planning’s observations. These projections include all school age children, and although we expect most of them would attend the well-regarded schools in each district, some may attend private or parochial school, and therefore this represents a conservative projection. The number of projected schoolchildren is unlikely to all enter the school district at the same time. Our projection represents the total number of school age children who would enter the districts over ten years and throughout all grade levels.

Yorktown Heights Overlay District – Yorktown Central School District

Table 7: Yorktown Heights School Age Children Projection Comparison

Data Source	Number of Units	School Age Children Multiplier (per unit)	Projected School Age Children	Total
Rutgers Multipliers	54 (Townhome)	0.282	15	49
	351 (Apartments)	0.089	34	
BFJ Multipliers	54 (Townhome)	0.282	15	40
	351 (Apartments)	0.07	25	

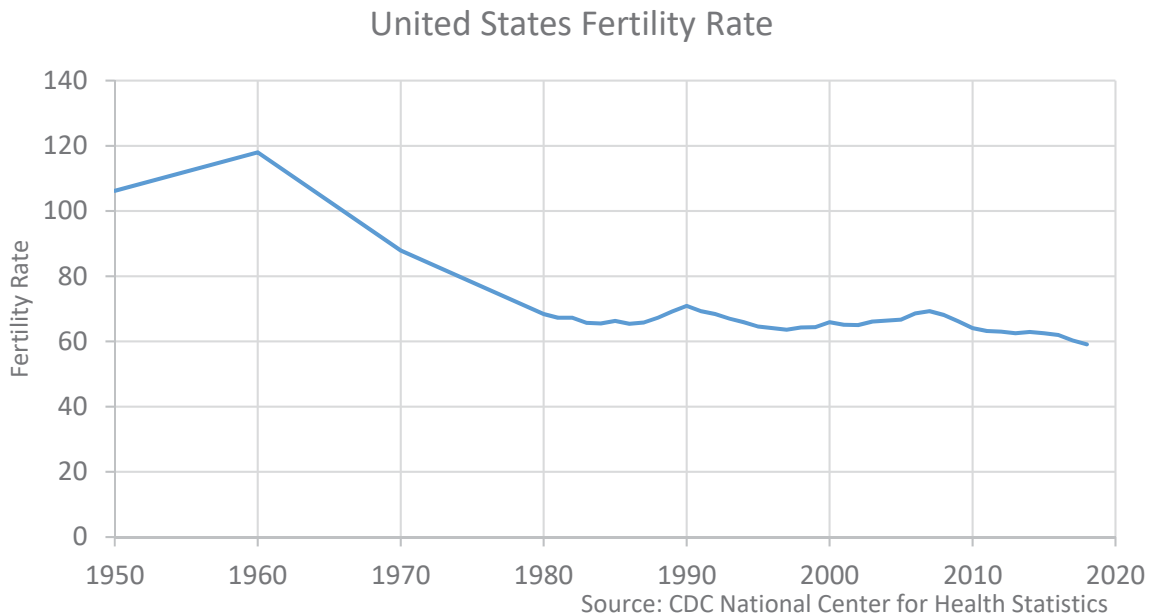
⁵ The school district tax percentage and Town tax percentage was taken from the 2022 Town of Yorktown Tentative Budget presentation dated October 30, 2021.

Declining Birthrates

Birth rates have been declining in the United States since the 1950s. This national trend is also true in New York State and Westchester County. Figure 2 shows that fertility rates, which are a measure of the number of births per 1,000 women aged 15-44, reached a 30-year low in 2018. Recent studies from the Centers for Disease Control show that birth rates are down 19 percent from 2007, which had the highest birth rate in recent years.

The Covid-19 pandemic has only increased the decline in birth rates nationally; the number of births in 2020 was four percent lower than the number in 2019⁶. The combination of long-term declines in birth rates and the acute decline caused by the Covid-19 pandemic is expected to have impacts that last throughout the decade. These trends may ease potential strains on school district capacity and lessen concerns about the generation of school age children by new developments.

Figure 2: Fertility Rate in the United States



⁶ Tavernise, Sabrina. "Pandemic Led to Faster Drop in U.S. Births." *The New York Times*, May 5, 2021.

ATTACHMENT C: TRAFFIC

DRAFT

Yorktown Heights Overlay District

TRAFFIC ELEMENT OF EXPANDED ENVIRONMENTAL ASSESSMENT FORM (EAF)

DRAFT

Prepared for:
Town of Yorktown

November 2021

Prepared by:



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1. Introduction

The transportation system in Yorktown Heights is heavily influenced by the Routes 35/202 corridor, which turns 90 degrees at a traffic light in the northern portion of the hamlet.

This Traffic element of the Expanded Environmental Assessment Form for the proposed Yorktown Heights Overlay District first reviews the transportation context in the vicinity of the hamlet. It then discusses the potential impacts from the proposed rezoning (the “action”).

The reader should bear in mind that the proposed rezoning is being analyzed under the provisions of NYS SEQRA as a *Generic* action, in other words an action such as a law, policy, or plan that pertains to a relatively large area, rather than a specific development site. From a traffic/transportation standpoint, the core question analyzed here is whether the proposed rezoning would lead to an increase in traffic that could significantly and adversely impact the transport system.

Following adoption of the proposed Overlay Zone District in Yorktown Heights, individual development applications in the future would be separate actions, and would be reviewed by the town’s municipal boards to identify whether there is the potential for site-specific traffic impacts and if so how they can be reasonably mitigated. In the realm of traffic/transportation, this could involve issues such as changing the timing of existing traffic lights or adding new ones, ensuring a high-quality streetscape for pedestrians and cyclists, and ensuring that driveways and access for pedestrians are safe and well-designed.

2. Existing Conditions

2.1 *Roadway Functional Class and AADT*

Figure 1 shows the proposed Yorktown Heights Overlay District and surrounding areas.

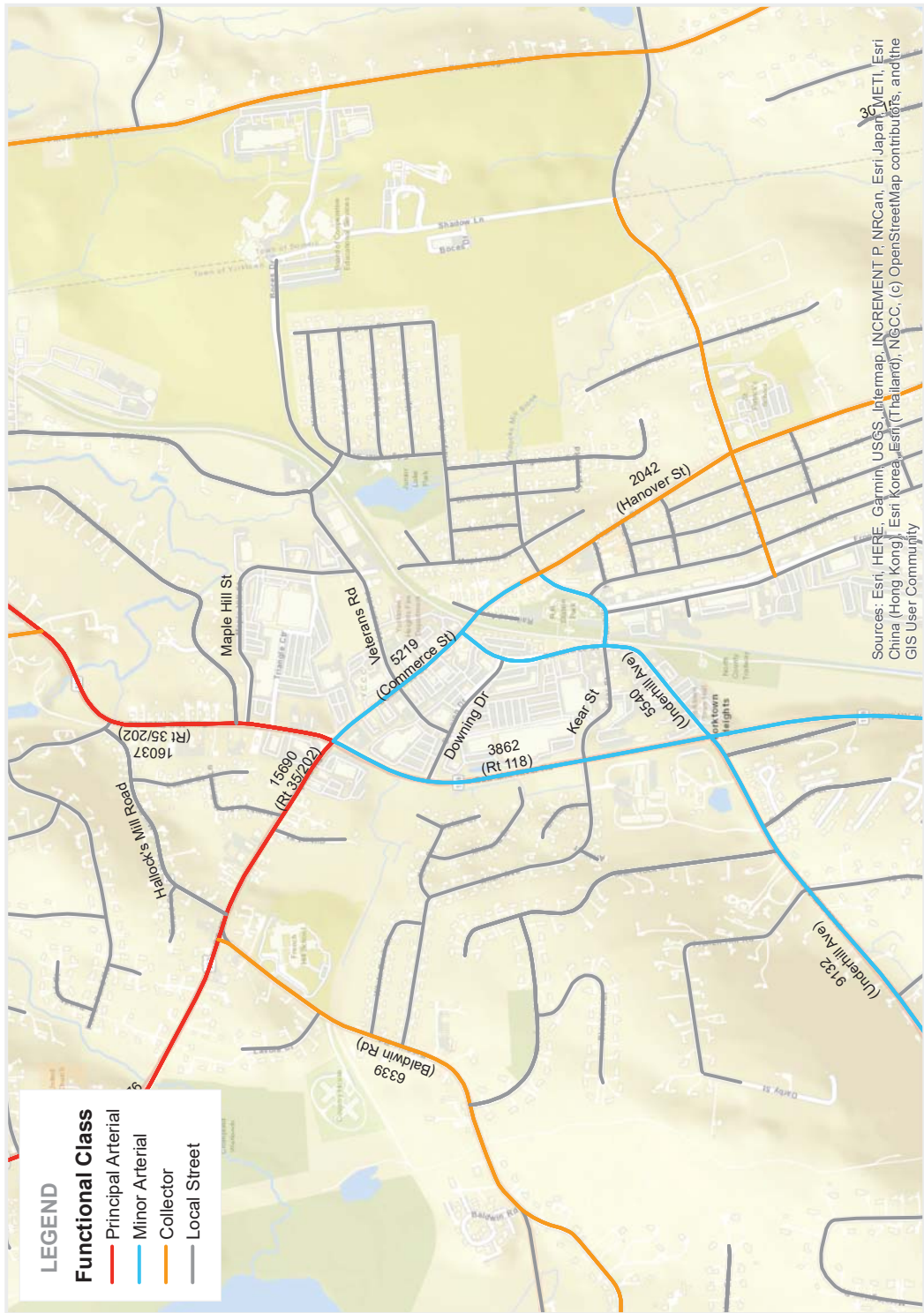
The Functional Class of a roadway (shown in Figure T-1) is an indicator of the role that the road plays in servicing traffic. The two-lane principal arterial Routes 35/202 is the highest-standard roadway in this part of Yorktown, followed by US Route 6. It is under the jurisdiction of the New York State Department of Transportation (NYSDOT) (see Figure T-2), as is NY Route 118 (and all other roadways are under town jurisdiction). Rt 35/202 experiences recurring peak-period congestion at the traffic light in the northern part of Yorktown Heights where it intersects with NY Route 118, in part because the heavy traffic volumes traveling “through” on Rt 35/202 must turn 90 degrees at this intersection.

Route 118 south of Rt 35/202 (also known as Saw Mill River Road), Underhill Avenue, and Commerce St are all classified as Minor Arterials, and are also two lanes in each direction. Route 118 south of Rt 35/202 does not serve adjacent land uses, and has a traffic light (“signal”) at Underhill Avenue and an unsignalized intersection with Downing Drive immediately to the south of the Rt 35/202/118 intersection.

Underhill Avenue connects to the Taconic Parkway roughly 1.5 miles to the west of Yorktown Heights, and this segment of Underhill Avenue serves predominantly residential properties. To the east of Route 118, Underhill serves a variety of commercial land uses along the southern portions of the hamlet.

Downing Drive and Kear Street are short roadways that run generally east-west through the hamlet and mainly serve to distribute traffic to adjacent commercial land uses.

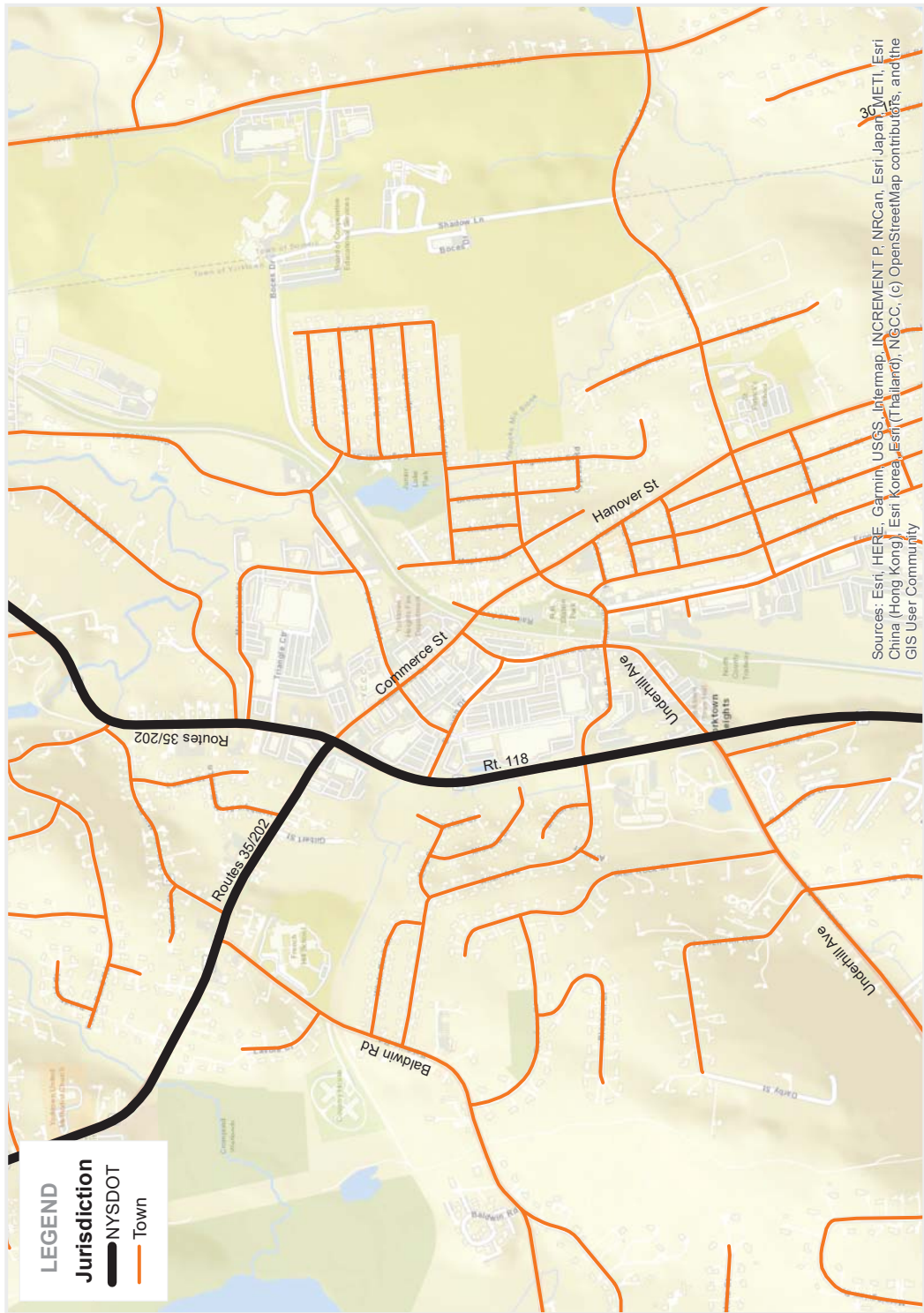
Commerce Street connects the Route 118 and Rt 35/202 intersection to Hanover Street along eastern sections of the hamlet. Hanover Street itself provides access from the south, however due to poor geometry it has a weight limit and a restriction on non-local commercial vehicles. Veterans Road and Maple Hill Street form a semi-circle around the Triangle shopping center in the eastern portion of the hamlet. Hallock’s Mill Road is a local street that, despite the presence of speed humps to deter and slow cut-through traffic, serves as a shortcut to avoid the congested Rt 35/202/118/Commerce Street intersection; Yorktown recently studied options for managing traffic volumes and speeds on Hallock’s Mill Road.



Functional Roadway Classification and Annual Average Daily Traffic (AADT) Volumes

FIGURE T-1





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, VIETI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

FIGURE

T-2



Roadway Jurisdiction



The labels on the roadways in Figure T-1 are “Average Annual Daily Traffic”, meaning how many vehicles per day travel on each road segment. For instance, on Rt 35/202 just north and east of Yorktown Heights (in the vicinity of Maple Hill Street) the AADT is 16,037 vehicles per day. Rt 35/202 carries this load of approximately 16,000 vehicles per day, followed by Underhill Avenue (9,132 veh/day west of Rt 118) and Baldwin Road (6,339 veh/day). The other roadways in the vicinity carry lower traffic volumes. All traffic levels discussed in this report are year 2019 (i.e. immediately pre-covid) and are sourced from NYSDOT.

2.2 Peak hour volumes

Figures T-3 and T-4 show the morning and afternoon/evening weekday rush hour (“peak hour”) traffic volumes. Whereas AADT data provides a baseline context of the total amount of traffic carried by a roadway, peak-hour traffic levels relate more directly to the whether or not congestion is experienced.

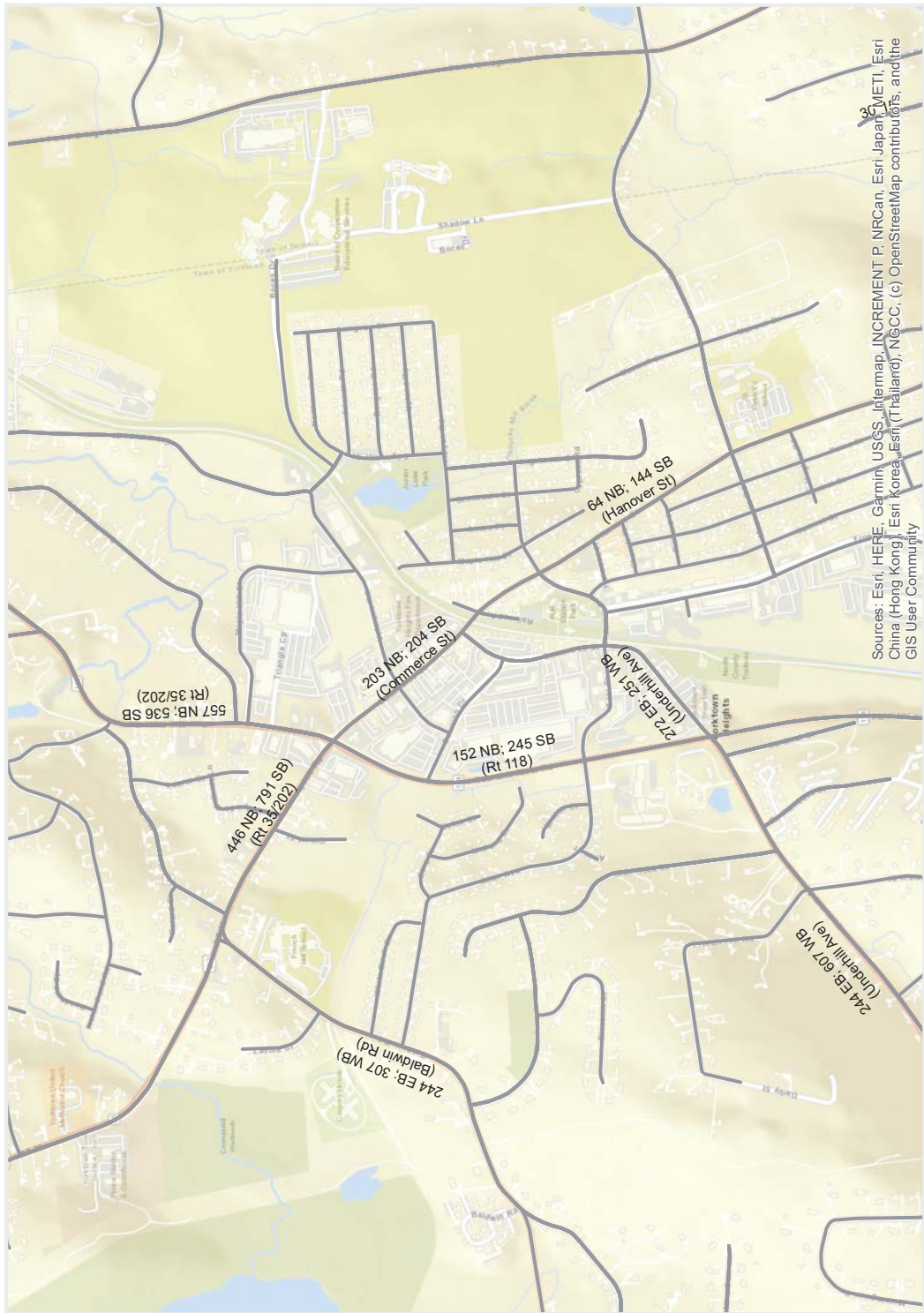
Directional patterns in traffic volumes are generally stronger in the morning than afternoon/evening, with Rt 35/202 carrying heavier traffic southbound from Crompond than northbound, and Underhill Avenue carrying heavier traffic westbound (towards the Taconic Parkway). Both of these roadways have traffic levels that are closer to balanced in both directions in the afternoon/evening.

2.3 Vehicular crashes

The Yorktown Police Department prepared a summary of motor vehicle crashes during the period 2018 – 2020 for the intersections shown in Table T-1.

The highest number of crashes during this period, as well as the largest number of injury-involved crashes, occurred at the Rt 35/202/118/Commerce Street intersection where Rt 35/202 turns 90 degrees.

This is followed in crash frequency by the intersections of Commerce Street and Veterans Road, of Route 118 and Underhill Avenue, and of Rt 35/202 with Baldwin Road (to the immediate north of the hamlet).



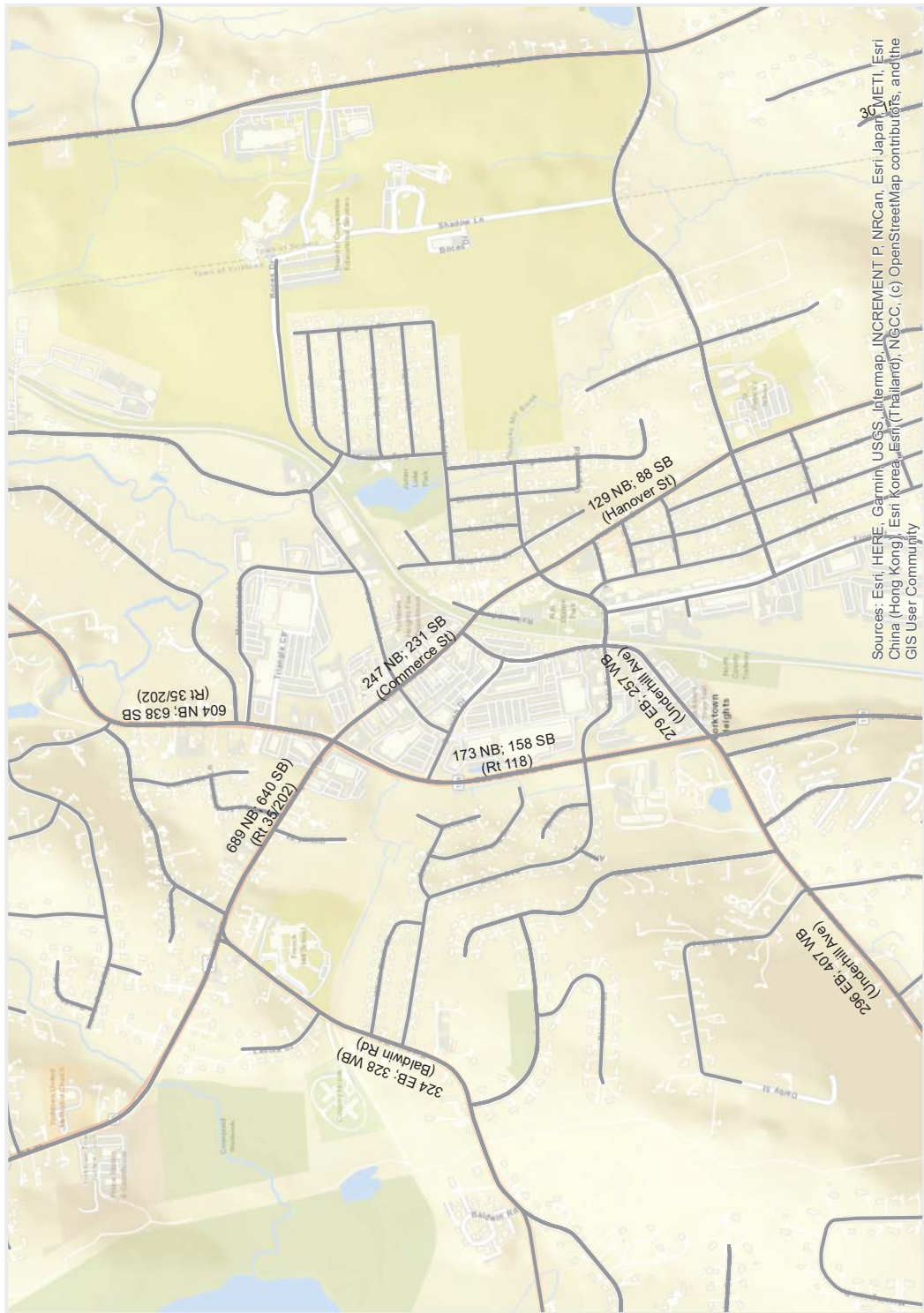
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, VIETI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

AM Peak-Hour Traffic Volumes, Key Roadways

0 0.5 1 MILES

transpogroup **T-3**

FIGURE



PM Peak-Hour Traffic Volumes, Key Roadways

transpogroup **T-4**

0 0.5 1 MILES

FIGURE

Intersection	Total number of crashes	Crashes with an injury	Crashes with a fatality
Route 35/202 & Baldwin Rd	20	4	0
Route 35/202 & Hallock's Mill Rd (west end)	7	1	0
Route 35/202 & Rt 118/Commerce St	36	7	0
Route 35/202 & Maple Hill St	9	3	0
Route 35/202 & Hallocks Mill (East end)/Ridge St	13	3	0
Commerce St & Veterans Rd	25	4	0
Route 118 & Downing Dr	16	1	0
Commerce St & Hanover St	4	0	0
Downing Dr & Commerce St	6	0	0
Route 118 & Kear St	3	0	0
Underhill Ave & Kear St	10	1	0
Route 118 & Underhill Ave	22	2	0

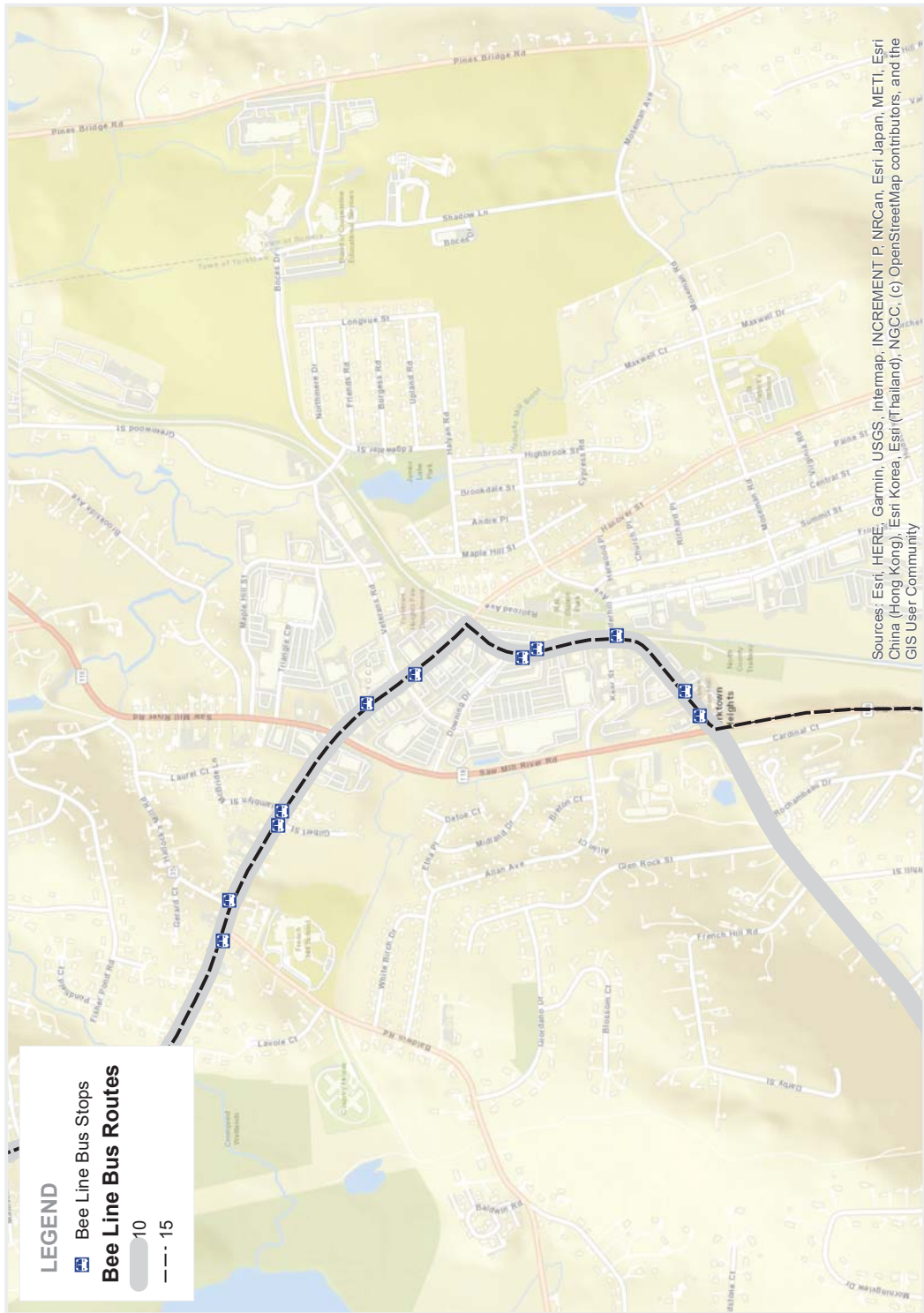
Table T-1: Summary of crash history in vicinity of Yorktown Heights, 2018-2020

2.4 Public transportation

Bus service through Yorktown Heights is provided by Routes 10 and 15 of Westchester County's Bee-Line system (see Figure T-5).

Route 10 is a commuter route connects Yorktown Heights and points north to the Croton-Harmon Metro-North station to the southwest. It is a time-limited service, with two weekday runs in the early morning (between 5:30 and 6:30 AM) and two in the evening (between 6:00 and 7:30 PM). It operates as an express service between Yorktown Heights and Croton-on-Hudson in the vicinity of the Metro-North station, with a scheduled travel time of 20 minutes from Yorktown Heights to the station.

Bee-Line Route 15 is a local route that connects Yorktown Heights with Peekskill and the Mohegan Lake to the northwest and White Plains to the south. On weekdays there are seven northbound bus runs and eight southbound runs, between approximately 6:00 AM and 7:00 PM).



FIGURE

Westchester County Bee-Line Bus Services

T-5



Metro-North provides commuter rail services to the east and west of Yorktown. As discussed below, there is some commuting by rail by Yorktown residents to stations in neighboring communities, with the Town's Comprehensive Plan identifying Croton-Harmon and Ossining as the stations most frequently used by Yorktown residents.

2.5 Walking and cycling

The topography in the hamlet is generally amenable to walking and cycling., and Yorktown Heights has a relatively well-developed sidewalk network in comparison to many other portions of northern Westchester County. However, there are gaps in provision for pedestrians, such as the Rt 35/202/118/Commerce Street intersection which has wide turning radii and lacks crosswalks.

The North County Rail Trail, including the refurbished Yorktown Heights station building which won a 2021 countywide planning award for historic preservation) passes through the hamlet, serving both walkers and cyclists.

2.6 Use of alternative forms of travel

The American Community Survey (ACS) provides estimates of how many workers living in the Yorktown Heights "Census Designated Place" (CDP) (which encompasses the overlay district) commute to work by each of various methods of travel.

The data are from the ACS's 2019 5-year estimates (the most recent available, and entirely before the onset of covid-19).

The ACS data show that 81% of workers living in Yorktown Heights drive alone to work, and another 5% carpool, for a total of 86% commuting by car. 1% take public transport, 3% of workers commute by bicycle, and 7% by walking to work. 3% of workers reported working from home (note this is pre-covid data).

3. Potential Impacts

3.1 Traffic

The potential for traffic impacts was evaluated by determining the extent of any increase or decrease in the number of trips on the road system in and around the Yorktown Heights overlay district.

The input for this analysis was the "Incremental Development" that would be incentivized by introducing the Yorktown Heights Overlay District. The Incremental Development analysis is the net new development that takes into account both new development that would be built, and the removal of pre-existing buildings to make way for the new development. In Yorktown Heights, the single biggest example of this is the Yorktown Green property, which in the Incremental Development analysis has a large decrease of retail space (from removal of the former K-Mart building) which is modeled as being replaced by 150 new apartments.

The determination of the increase/decrease of trips on the road system uses an approach known as "trip generation". This is a standard technique that draws on established relationships between amounts of development and number-of-trips, using the Institute of Transportation Engineers' Trip Generation Manual (11th edition).

Table T-2 presents the inputs to the Trip Generation analysis, and Tables T-3 and T-4 presents the results for the "without sewer" and "with sewer" scenarios, respectively).

	Traffic Generation Rates (trips per hour or trips per 24-hour day, per column headings below)			
ITE Land Use Category	Weekday, 24 hour	Weekday, AM peak hour	Weekday, PM peak hour	Saturday, peak hour (typically midday)
210 (Single family detached homes)¹	9.43 (trips per home)	0.70 (trips per home)	0.94 (trips per home)	0.92 (trips per home)
215 (townhomes)	7.20 (trips per townhome)	0.48 (trips per townhome)	0.57 (trips per townhome)	0.57 (trips per townhome)
220 (Multifamily housing, low-rise)	6.74 (trips per apartment)	0.40 (trips per apartment)	0.51 (trips per apartment)	0.41 (trips per apartment)
221 (Multifamily housing, mid-rise)²	4.54 (trips per apartment)	0.37 (trips per apartment)	0.39 (trips per apartment)	0.39 (trips per apartment)
310 (Hotel)	7.99 (trips per hotel room)	0.46 (trips per hotel room)	0.59 (trips per hotel room)	0.72 (trips per hotel room)
710 (Office building)³	10.84 (trips per 1,000 sq ft)	1.52 (trips per 1,000 sq ft)	1.44 (trips per 1,000 sq ft)	0.53 (trips per 1,000 sq ft)
821 (Shopping Plaza 40K-150K sq. ft.)⁴	67.52 (trips per 1,000 sq ft)	1.73 (trips per 1,000 sq ft)	5.19 (trips per 1,000 sq ft)	6.22 (trips per 1,000 sq ft)
822 (Strip retail)	54.45 (trips per 1,000 sq ft)	2.36 (trips per 1,000 sq ft)	6.59 (trips per 1,000 sq ft)	6.57 (trips per 1,000 sq ft)

Table T-2: Inputs to Incremental Buildout Estimated Peak Hour Traffic Generation

¹ The Incremental Development analysis models that under pre-existing zoning 12 single family homes could be built at the site of the former Soundview School (a.k.a. the "Underhill Farms" site), and that under the Overlay Zoning the development of this site would instead be 22 townhomes, 143 apartments, and 11,375 sq. ft. of retail space.

² Separate trip generation rates are published for low-rise multifamily housing (up to and including 3 stories) and mid-rise multifamily housing (4-10 stories). For purposes of this analysis, it is assumed that multifamily housing on the Yorktown Green site would be 4 stories, in keeping with the "mid-rise" definition, and all other newly constructed multifamily housing would be low-rise (up to but not exceeding 3 stories).

³ This category applies only to the office space on the 2nd floor of the Roma building and the site of the Boutique Hotel, which are specified to be removed under the Incremental Development analysis.

⁴ This category applies only to the K-Mart building which is specified to be removed under the Incremental Development analysis.

ITE Land Use Category	Amount of incremental development	Amount of Traffic Generation (trips per hour or trips per 24-hour day, per column headings below)			
		Weekday, 24 hour	Weekday, AM peak hour	Weekday, PM peak hour	Saturday, peak hour (typically midday)
210 (Single family detached homes)	-12 homes	-113	-8	-11	-11
215 (townhomes)	+54 townhomes	+389	+26	+31	+31
220 (Multifamily housing, low-rise)	+213 apartments	+1,434	+85	+108	+87
221 (Multifamily housing, mid-rise)	+150 apartments	+681	+56	+59	+59
310 (Hotel)	+18 hotel rooms	+144	+8	+11	+13
710 (Office building)	-10,963 sq ft.	-119	-17	-16	-6
821 (Shopping Plaza 40K-150K sq. ft.)	-90,119 sq ft.	-6,085	-156	-468	-561
822 (Strip retail)	-3,642 sq ft.	-198	-9	-24	-28
Total	N/A	-3,868	-15	-310	-412

Table T-3: Incremental Buildout Estimated Peak Hour Traffic Generation

The results of the Trip Generation analysis show an overall decrease in trip-making during all periods studied due to the Incremental Development pattern – this is primarily due to the removal of the K-Mart building. It should be noted that there is projected to be an increase in trip-making (i.e. more travel on the roadways) in comparison to the present day in which the K-Mart building is vacant. However, the actions that could cause this increase in travel would be site-specific development applications, not the rezoning action now being contemplated by the town.

Therefore, it is expected that site-specific SEQR analyses of individual development applications will determine the significance of potential transportation impacts from each development application, and any required mitigation measures. By following this approach, Yorktown would maintain the ability to ensure that future development in Yorktown Heights does not adversely impact the transportation system through increased congestion or other impacts.

In summary, based on this analysis of a decrease in overall trip-making on the roads in the vicinity of the Yorktown Heights overlay district from introducing the Yorktown Heights Overlay District, it is concluded that the proposed action would not have significant adverse impacts on the operations of the transportation system.

1.1 Public transportation, walking and cycling

The overall decrease in trip-making in Yorktown Heights is expected to be reflected as a corresponding lower level of walking, cycling, and demand for public transport, leading to a conclusion of no significant adverse impacts on them.

However, it is important to note that the Overlay Zoning has a stated goal to promote a Complete Streets approach, would be generally supportive of bus usage, walking, and cycling within the overlay zone.

1.2 Parking

The proposed Overlay Zoning legislation contains provisions designed to ensure that parking continues to be adequately provided by future real estate developments, while providing applicants with flexibility in how this is done.

The Overlay Zoning sets parking standards, and also outlines four specific mechanisms that would provide flexibility to applicants by allowing the Planning Board to vary from the standard calculations of required off-street parking spaces:

- The use of shared parking between different uses on the same site and/or shared parking between adjacent properties (this dovetails with Policy 3-11 of the Comprehensive Plan, which supports shared-access to off-street parking under the aegis of “Access Management, as well as the Comprehensive Plan’s observation that shared-parking between adjacent properties can allow more efficient site plans that yield both more parking and streetscape improvements)
- The use of conservation parking spaces (i.e. a site plan permitted with fewer-than-standard parking spaces initially, with land set aside for future provision of additional parking spaces if the initial provision of spaces proves to be inadequate)
- The availability of on-street parking or public parking within close proximity to the site (this is consistent with Policy 3-22 which codifies encouraging use of on-street and public parking as town policy)
- Variation in the probable time of maximum use of differing uses on the same site (i.e. allowing uses that have complementary patterns of peak parking demand to share

parking. A typical example might be a commuter park-and-ride lot that is busy on weekdays and a church that is busy on Sundays).

Two of the items in this listing (conservation parking spaces and credit for nearby public parking) are currently permitted in Town Code, but their application is limited to non-residential uses. The Overlay Zoning proposes to extend these provisions to also encompass residential uses.

Table T-5 summarizes the specific proposed changes to parking requirements.

Table T-4: Parking standards under current zoning and proposed overlay zoning

Type of use	Parking standard under current zoning	Parking standard under proposed overlay zoning
Residential units	2.2 spaces per unit (for multifamily dwellings of 3+ units)	1.5 spaces per unit
Retail	4 spaces per 1,000 sq ft	Same numerical requirement, with added flexibility (see below)
Flexibility provisions (300-255-G)	Same as at right (300-182-H-4-d), for non-residential uses	The use of shared parking between different uses on the same site and/or shared parking between adjacent properties
	Same as at right (300-182-H-4-e), for non-residential uses	The use of conservation parking spaces
	Same as at right (300-182-H-4-a), for non-residential uses	The availability of on-street parking or public parking within close proximity to the site
	Same as at right (300-182-C-2)	Variation in the probable time of maximum use of differing uses on the same site

The Overlay Zoning’s main change in numerical parking standards relates to residential uses, which would be reduced from 2.2 to 1.5 parking spaces per unit, i.e. approximately by one-third. This is intended to support residential-market segments that may have lower-than-average car-ownership levels (e.g. smaller-size units, empty nesters, etc.) and that will be located proximate to commercial uses (supporting pedestrian activity in place of car use), and is consistent with the Comprehensive Plan’s theme of encouraging adequate but not excessive parking.

It is important to note that this change in the residential parking standard and all other parking provisions of the Overlay Zoning would be subject to the Town’s discretionary review processes when reviewing site-specific development applications.

The Overlay Zoning presents the Planning Board with guidance and standards for off-street parking provision when reviewing site plans, but also explicitly empowers the board to reach reasonable determinations about how to implement the guidance/standards on individual development applications, providing that decisions are grounded on rational bases. By explicitly codifying the desirability of the mechanisms for flexibility in parking provision, future applicants will be provided a clear signal of what is desired.

Finally, the Overlay Zoning calls for off-street parking to be provided at the rear of properties rather than in front of buildings. This is intended to encourage a vibrant pedestrian environment with buildings oriented towards the street as in a traditional “Main Street” context, in keeping with the objectives of the Comprehensive Plan.

In sum, the parking provisions of the Overlay Zoning are anticipated to have generally positive impacts, as they are aligned with the policies and objectives expressed in the town’s Comprehensive Plan. As with other issues relating to new development, site-specific review of development applications will ensure that parking issues are appropriately addressed on a case-by-case basis taking into account idiosyncratic site conditions, etc.

4. Conclusions

Based on the analyses reported here, no significant adverse transportation impacts are anticipated from the incremental development expected from implementing the Yorktown Heights Overlay District.

When development applications are submitted to the town seeking to take advantage of the Overlay Zoning’s provisions, Yorktown’s Planning Department and municipal boards will review site-specific transportation analyses as they would for any development application in town.

When performing those site-specific analyses, in reaching its determinations and any required conditions, the town will continue to be guided by the relevant policy documents (notably the transportation items in the Comprehensive Plan and Sustainable Development Study), as well as the principle of ensuring that individual developments reasonably address their impacts on the transportation system. The town will also continue to work in partnership with NYSDOT and other public agencies to identify and advance options for general enhancements to the regional and sub-regional transportation network in Yorktown.

ATTACHMENT D: WATER AND SEWER

DRAFT

Yorktown Heights Overlay Zoning District: Water and Sewer Capacity

Introduction

The Town of Yorktown is proposing a zoning overlay for Yorktown Heights to promote mixed-use development. Parcels in Yorktown Heights are served by public water supply and public sewer. BFJ had a conversation with the Town of Yorktown Engineer, Dan Ciarcia, PE, on November 10, 2021 to assess whether there is sufficient capacity for water consumption and sanitary sewer treatment for the projected development over the next ten years. In our conversation, Mr. Ciarcia discussed the current water and sewer systems and their existing capacity.

Development Projection, Water Consumption, and Sanitary Sewer Flow

We project that the Yorktown Heights Zoning Overlay could lead to the construction of 405 residential units over the next 10 years. We anticipate that 54 of these units would be townhomes, and the remaining 351 would be multifamily apartment units. To estimate the demand for water consumption and sanitary sewer flow, we used the New York State Department of Environmental Conservation’s estimate of 110 gallons per bedroom per day¹. The development projections do not include detailed unit-mix breakdowns, so we made assumptions about the average number of bedrooms in each unit type (townhomes and multifamily apartments) to project water and sanitary sewer demand. Table 1 shows that we assume each townhome unit has 2.5 bedrooms, and each multifamily apartment unit has 1.55 bedrooms². The total projected demand for water and the projected sanitary sewer flow is 74,696 gallons per day (GPD).

Table 1: Yorktown Heights Water and Sanitary Sewer Flow Projections

Unit Type	No. of Units	Bedrooms per Unit	Gallons/Bedroom/Day	Flow (GPD)
Townhomes	54	2.5	110	14,850
Multifamily Apartments	351	1.55	110	59,846
Total Projected Water Demand and Sanitary Sewer Flow				74,696

Water Supply

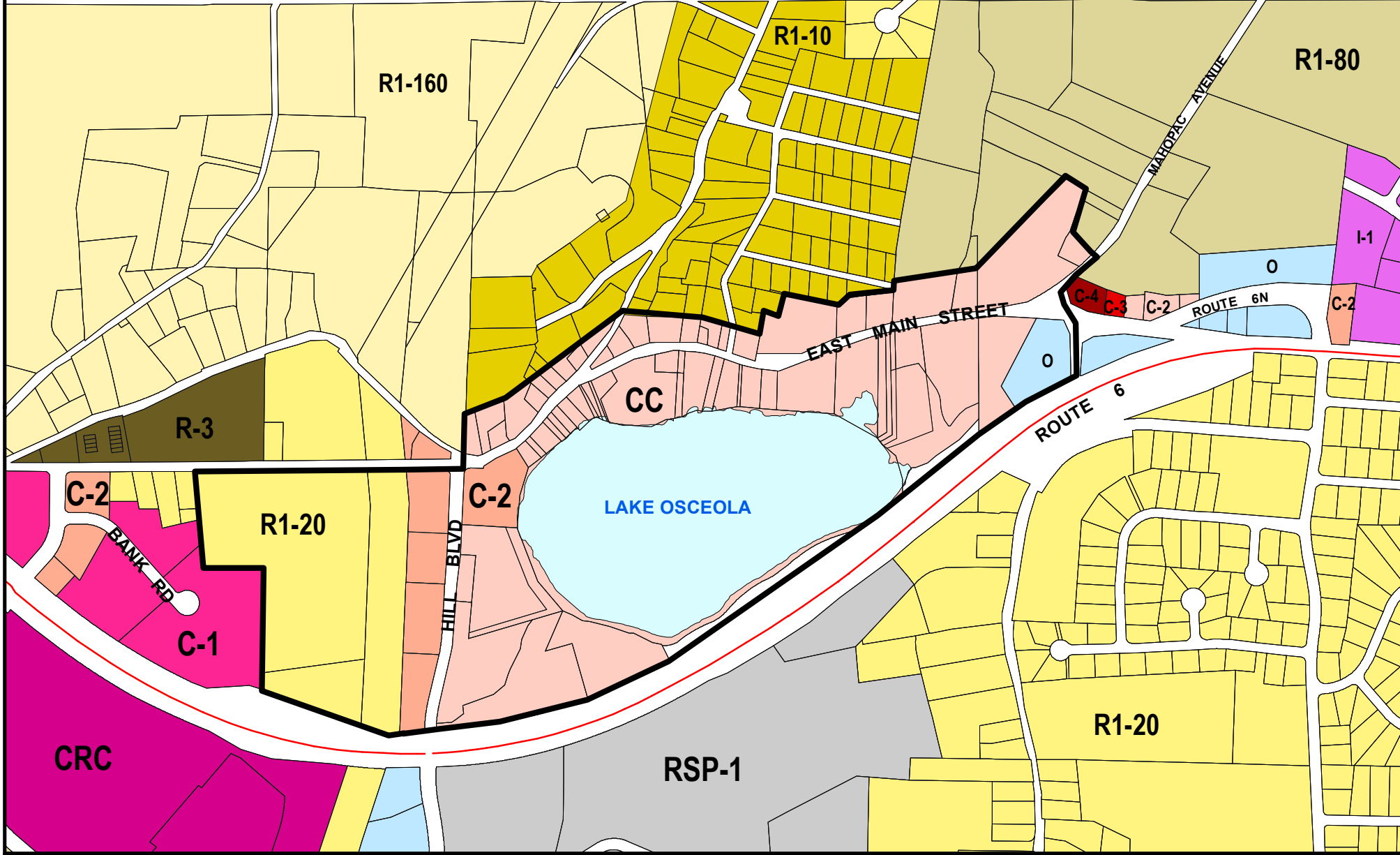
The proposed Yorktown Heights Zoning Overlay is located in Yorktown Heights hamlet, which receives its drinking water through the Northern Westchester Joint Water Works, which sends water from the New York City water supply system to the Yorktown, Somers, Cortlandt, and Montrose water districts. Mr. Ciarcia stated that there are no issues with the Town’s water supply and that there is sufficient capacity for the projected water demand.

¹ NYSDEC Design Standards for Intermediate-Sized Wastewater Treatment Systems, 2014.

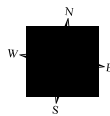
² A townhome average of 2.5 bedrooms assumes townhomes are evenly split between two or three bedroom units. Multifamily apartment bedroom averages assumes 50 percent of units are studio/1-bed units, 45 percent are 2-bed units, and 5 percent are 3-bed units. We think the multifamily bedroom average is conservative, as most developments are unlikely to have five percent of their units as three bedrooms.

Sewer Capacity

Yorktown Heights sends its wastewater to the Yorktown Heights Water Pollution Control Plant at 2200 Greenwood Street in Yorktown. The sewage treatment plant was originally constructed in 1963 and was renovated approximately 15 years ago. The sewage treatment plant has permitted capacity for 1.5 million gallons per day (MGD), and currently uses about 1.2 MGD; the plant could treat an additional 300,000 gallons of wastewater per day. We project that the development in Yorktown Heights would produce 74,696 gallons per day, and therefore would not exceed capacity at the treatment plant. Additionally, Mr. Ciarcia stated that the sewage treatment plant was designed and constructed to treat more flow than it is currently permitted for, and the Town could work with the New York State Department of Environmental Conservation to expand their permit if needed in the future.



TOWN OF YORKTOWN PLANNING DEPARTMENT
 Albert A. Capellini Community & Cultural Center
 1974 Commerce Street, Yorktown Heights, NY 10598
 (914) 962-6565, www.yorktownny.org/planning



0 350 700 1,400 Feet



1 inch = 700 feet

TITLE: Lake Osceola Development Overlay Zone
 DATE: March 4, 2021

FILE: F:\ArcGIS\PROJECTS\Overlay Districts\Lake Osceola.mxd
 BY: RAS

Sources: Town of Yorktown GIS.



LAKE OSCEOLA OVERLAY DISTRICT ZONING ENVIRONMENTAL ASSESSMENT FORM PART 1

Town of Yorktown, New York

DRAFT

Prepared for:
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, NY, 10598

November 19, 2021

BFJ Planning

LAKE OSCEOLA OVERLAY DISTRICT ZONING

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

NOVEMBER 19, 2021

DRAFT

Prepared on behalf of:

Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York, 10598

Prepared by:

BFJ Planning
115 Fifth Avenue
New York, New York, 10003

ACKNOWLEDGEMENTS

TOWN SUPERVISOR AND TOWN BOARD

Supervisor Matthew Slater
Councilman Tom Diana
Councilman Ed Lachterman
Councilman Vishnu Patel
Councilwoman Alice E. Roker

TOWN CLERK

Diana L. Quast, Certified Municipal Clerk

TOWN OF YORKTOWN STAFF

John A. Tegeder, R.A., Director of Planning
Robyn A. Steinberg, AICP, Town Planner

BFJ PLANNING

Frank Fish, FAICP, Principal
Sarah Yackel, AICP, Principal
Taylor Young, AICP, Senior Planner

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DRAFT

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

DRAFT

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Lake Osceola Overlay District Zoning		
Project Location (describe, and attach a general location map): Lake Osceola hamlet, Town of Yorktown, Westchester County (see Figure 1 and Figure 2)		
Brief Description of Proposed Action (include purpose or need): The Town of Yorktown is proposing a zoning overlay for a portion of Lake Osceola hamlet to promote revitalization, economic development, and to provide housing opportunities. The proposed Lake Osceola Development Overlay Zone would permit multifamily residential developments, mixed-use residential and commercial buildings, and live/work units in an area that is mostly zoned for commercial development. The proposed zoning would also allow developments to have a floor-area ratio (FAR) of 0.55, and would permit buildings heights of three stories. The underlying zoning would regulate area and bulk requirements, however the Planning Board may be guided by the area and bulk requirements of the R-3 district for residential and mixed-use developments. The Lake Osceola Development Overlay Zone is being reviewed at the same time as the Yorktown Heights Planned Design District Overlay Zone, however they each have a separate EAF. The two districts are in different parts of the Town of Yorktown, are in different school districts, do not rely on each other, and do not influence each other.		
Name of Applicant/Sponsor: Yorktown Town Board	Telephone: (914) 962-5722	E-Mail:
Address: 363 Underhill Avenue		
City/PO: Yorktown Heights	State: New York	Zip Code: 10598
Project Contact (if not same as sponsor; give name and title/role): John Tegeder, Director of Planning	Telephone: (914) 962-6565	E-Mail: jtegeder@yorktownny.org
Address: 1974 Commerce Street (Albert A. Capellini Community and Cultural Center)		
City/PO: Yorktown Heights	State: New York	Zip Code: 10598
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board Adoption	December 2021
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Yorktown Planning Board Recommendation	December 2021
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County Planning Department: Non-binding 239-m Review	December 2021
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No * ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Hudson Valley Greenway Compact _____	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

* The EAF Mapper states that the overlay area is not a Designated Inland Waterway. This is incorrect, the Lake Osceola area is a waterfront area of a Designated Inland Waterway.

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Existing Zoning: Residential: R1-20 (One-Family Residential), Commercial: CC (Country Commercial), C-2 (Commercial Hamlet Center), O (Office)

b. Is the use permitted or allowed by a special or conditional use permit? N/A - Proposed Action is a Zoning Overlay Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? New Overlay District: Lake Osceola Development Overlay Zone _____

C.4. Existing community services.

a. In what school district is the project site located? Lakeland Central School District _____

b. What police or other public protection forces serve the project site?

Yorktown Police Department _____

c. Which fire protection and emergency medical services serve the project site?

Yorktown Fire Department, Yorktown Volunteer Ambulance Corps _____

d. What parks serve the project site?

Danner Family Preserve, Willow Park _____

D. Project Details *Note: the proposed action is not a site-specific action, and therefore Sections D and E are left blank.

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

• Total number of phases anticipated _____

• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

• Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- ii. Describe types of new point sources. _____

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____

 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____

 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 864-617, 864-624, 864-625 Classification C, B
- Lakes or Ponds: Name Lake Osceola Classification _____
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) A-4

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

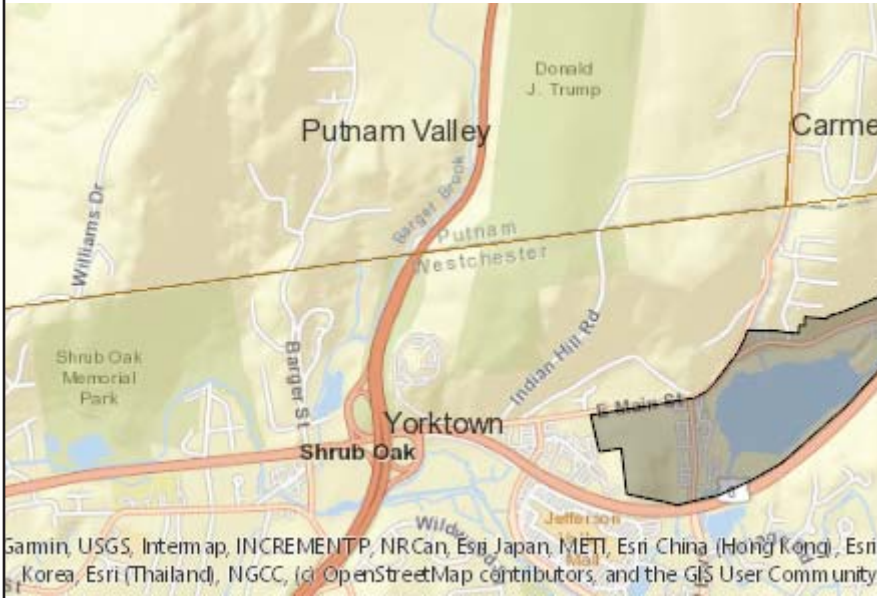
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name John Tegeder Date _____

Signature _____ Title Director of Planning, Town of Yorktown

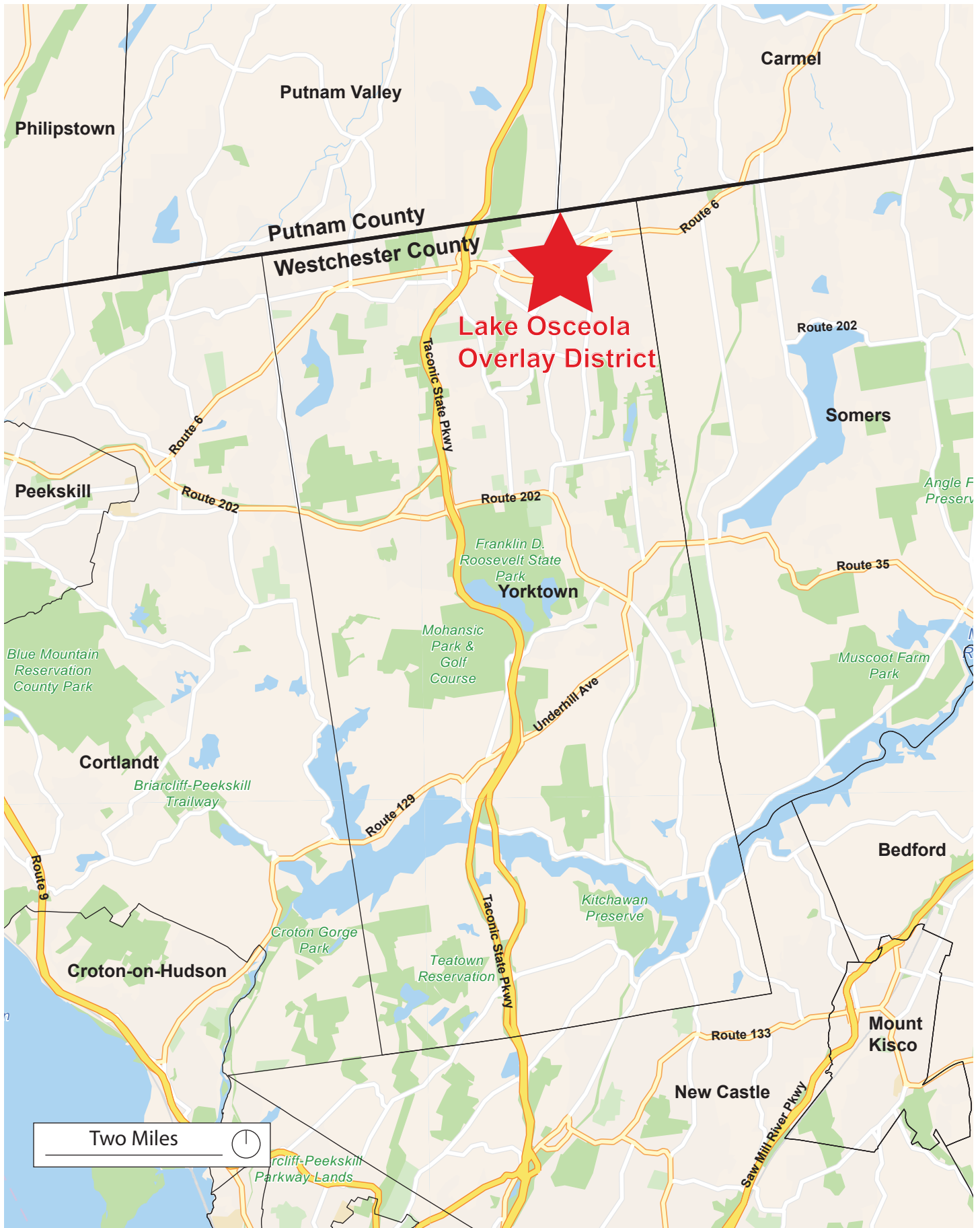


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	864-617, 864-624, 864-625
E.2.h.iv [Surface Water Features - Stream Classification]	C, B
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):224.6
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	A-4
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



Source: Town of Yorktown, ArcGIS

TOWN OF YORKTOWN PLANNING BOARD

Yorktown Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598, Phone (914) 962-6565, Fax (914) 962-3986

MEMORANDUM

To: Town Board
From: Planning Board
Date: April 21, 2021
Subject: Proposed Local Law entitled “Planned Design District Overlay Zones”

The Planning Board, at its meeting of April 12, 2021 reviewed and discussed the proposed draft Planned Design District Overlay Zones (overlay district) law and offers the following comments:

1. The Planning Board supports the concept of the overlay district as an appropriate and valuable zoning tool to realize high-quality development projects that enhance the health and vibrancy of Yorktown’s hamlets. The Board believes that the districts can be used as a protective measure of certain resources while also promoting the economic health of the Town. In this regard, the Board favorably notes the flexibility in the law’s zoning requirements as a useful tool when used in appropriate locations. The Board is aware that this method is being used in many municipalities across the country and also in municipalities near to Yorktown.
2. The Planning Board is aware of the 2010 Comprehensive Plan’s policies and recommendations regarding overlay districts, and is of the opinion that the plan as written, not only promotes utilizing this tool, but also promotes its use and evolution to other areas in Yorktown as is merited by prevailing trends and needs in the land use arena, and as the Town itself evolves. The Board commends the Town Board’s action to apply these districts in a manner that is responsive to the prevailing trends in markets, land use, and demographics.
3. The Board finds Section §300-253 “Development Incentives” to be vague. The Board recommends expanding the descriptions of these incentives within the body of the law or issue guidance that explains each in greater detail. For instance, it is unclear what is expected of the Planning Board when providing “priority of application review.”
4. The Board suggests that Section §300-255 A. 7. is inappropriately restrictive in that it provides for community based uses that benefit only seniors. The Board recommends that such uses not be limited to just one segment of Yorktown’s population.
5. The Board has reservations as it regards the law’s requirement that the Town Board must authorize development projects that lie within the district in order to be reviewed and processed under the district regulations. This sets up a dual layered process that the Planning Board believes promotes confusion and may be duplicative.

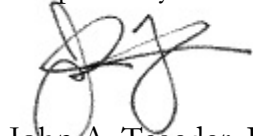
- a) The Board suggests, that under this two-part approach, application of the SEQRA process may be prone to flaws and confusion.
- b) The Board is concerned that the Town Board's findings may limit the Planning Board in evaluating the merits of, and concluding a final disposition on projects.
- c) The Board is concerned as to the level of detail the Town Board may require. This may inhibit the Planning Board's ability to perform its own analyses, or prejudice its conclusions.
- d) The Board has concerns regarding the potential for conditions to be placed by the Town Board on an application in which it authorizes review under the overlay district. The Board's reading of the law leads them to conclude that it is intended that the Planning Board determine the scope, layout, impacts, and merits of projects within the proposed districts. The Board is concerned that such conditions may inhibit the intent of the law, which is zoning flexibility, in a manner that makes the deliberations of the Planning Board moot.

For these reasons, the Board believes that the Town Board should enact the overlay district law without the Town Board authorization clause, in order that the technical merits and site planning of projects are analyzed by the Planning Board without undue delay, encumbrances, or confusion. The Planning Board believes that it is in this arena for which they were constituted, are well experienced to carry out, and in which they should not be encumbered by additional processes nor influenced by anything but technical land use considerations.

- 6. The Planning Board believes that the Town Board should develop and then refer for comment the maps of all the areas that may be considered for an overlay district. Subsequently, the specific code section that relates to each mapped area can then be developed and referred for comment. Presently, with respect to the subject areas, Yorktown Heights and Lake Osceola, the Board suggests no additions or modifications to the proposed boundaries as shown.

Should you have any questions, please do not hesitate to call this office.

Respectfully submitted,



John A. Tegeger, RA
Director of Planning