

December 31, 2025

Ed Lacterman, Town Supervisor
Yorktown Town Board
363 Underhill Avenue
Yorktown Heights, NY 10598



Re: 2830 Stony Street (TM#26.14-1-9)

Dear Supervisor Lacterman and Board Members

Below please find our responses to the following comment letters as noted.

1. *Planning Department's comments dated October 9, 2025.*
2. *ABACA's referral dated October 8, 2025.*
3. *Conservation Board's comments dated September 8, 2025.*
4. *NYC Environmental Protection comments dated October 1, 2025.*
5. *Tree Conservation Advisory Commission's (TCAC) referral dated October 16, 2025.*

1. PLANNING DEPARTMENT'S COMMENTS DATED OCTOBER 9, 2025.

The Planning Department has reviewed the submitted plans and has the following comments:

1. A conservation easement exists on the property. Properly label the existing conservation easement line and identify the area of the same on all plans.
RESPONSE: Existing conditions layout added to the plan, depicting labels of existing conservation easement etc.
2. A Town drainage easement exists on the property. Properly label and identify the area of the Town drainage easement. Show metes and bounds.
RESPONSE: Existing conditions layout added to the plan, depicting labels of existing Town drainage easement etc.
3. Properly fill out the tree permit section of the application.
RESPONSE: Attached please find updated permit application.
4. There is no tree mitigation information. Please provide. This should be referred to the Tree Conservation Advisory Commission per code.
RESPONSE: Attached please find Tree Mitigation Formula previously submitted to and accepted by the Tree Conservation Advisory Commission, see letter 5.
5. The position of the structure and driveway is on or within 1.0 feet of the conservation easement. This will necessitate improper usage and disturbance to the conservation easement, as movement around the structure will be necessary for any resident of the property.
RESPONSE: Adjustment to layout has been made to provide a minimum of five feet between conservation easements of proposed development.
6. In addition, excavation and disturbance within the conservation easement is proposed. No circumstances allow this without modification of the easement by the Planning Board.
RESPONSE: All proposed disturbances within the existing conservation easement have been removed.

7. The filed plat required a road widening strip be transferred to the Town. This transfer should be verified.

RESPONSE: A copy of the deed conveying the strip of land on the filed map to the Town of Yorktown is attached.

8. We recommend the position of the structures be modified accordingly to prevent the initial and ongoing use and disturbance.

RESPONSE: The house was shifted to the south to increase the distance to the conservation easement. The layout provides the least disturbance for house locations with a compliant driveway and accommodating the location of the septic system in the area of the lot that can support it. WCDOH and NYCDEP have issued a Septic Permit for the layout.

9. The applicant's representative stated that a deed restriction will be placed on some unknown portion of the lots as mitigation. We suggest that this will be of no practical effect, as the current proposed development of the lot, the lot size, and zoning requirements would preclude further development of another unit but likely not preclude development to the remaining area for incidental accessory uses normally associated with residential uses.

RESPONSE: Comment noted.

10. We recommend that if the Board wishes to accept a development restriction of some sort as mitigation, that the conservation easement be expanded, properly delineated on the plan, and filed in the land records of the county.

RESPONSE: The owner agrees to incorporate area previously designated as a deed restriction into a conservation easement as shown on the plan.

2. ABACA'S COMMENTS DATED OCTOBER 8, 2025.

The Advisory Board on Architecture and Community Appearance reviewed the above referenced subject at their meeting held on Tuesday, October 7, 2025 and have no comments.

RESPONSE: Comment noted.

3. CONSERVATION BOARD'S COMMENTS DATED SEPTEMBER 8, 2025.

1. The presence of the headwaters of intermittent streams on the property was discussed. To protect these waters the following measures were proposed and accepted by the applicant: A deed restriction be placed on the property to the rear of the proposed grading and landscaping limits to protect the headwaters, and to prevent dumping of yard waste into that area.

RESPONSE: A conservation easement rather than a deed restriction will be placed on the area.

2. Coir logs planted with appropriate native wetland plants be placed in swale to further protect the area.

RESPONSE: Coir logs planted with appropriate native plants are now shown on the plan in the swale and along the slope of the fill pad to protect the area.

4. NYC ENVIRONMENTAL PROTECTION COMMENTS DATED OCTOBER 1, 2025.

1. The plans indicate a watercourse buffer. DEP has not visited the project site and will need to conduct a field verification to determine the status and classification of the watercourse as necessary to confirm DEP's jurisdiction. The applicant's representative may contact Mariyam Zachariah at MZachariah@dep.nyc.gov to schedule and coordinate a site visit.

RESPONSE: A site visit was conducted on November 21, 2025, letter of determination from the NYCDEP is attached, no further action required.

2. Should it be determined that a watercourse is present, DEP will jointly review the proposed SSTS with the Westchester County Department of Health.

RESPONSE: A site visit was conducted on November 21, 2025, letter of determination from the NYCDEP is attached, no further action required.

3. Also, please be aware that Per Section 18-39(a)(5)(v) of the Watershed Regulations, construction of an impervious surface for a driveway to serve an individual residence that obtains all discretionary approvals necessary for construction on or after March 1, 2010, within the limiting distance of 100 feet of a perennial stream or within the limiting distance of 50 feet of an intermittent stream or wetland, requires an Individual Residential Stormwater Permit (IRSP) from the Department, pursuant to subdivision (e) of Section 18-39.

RESPONSE: No impervious surfaces are proposed within 50 feet of the intermittent stream, see attached letter from the NYCDEP.

5. TREE CONSERVATION ADVISORY COMMISSION'S (TCAC) REFERRAL DATED OCTOBER 16, 2025.

The applicant submitted the tree mitigation formula for the above referenced subject. Based on the information provided and attached, the TCAC accepts the request for a tree permit.

RESPONSE: Comment noted, tree formula attached.

Should you require any additional information or clarification, please do not hesitate to contact us. We look forward to discussing the project at the upcoming Board meeting.

Yours truly,

BADEY & WATSON,
Surveying & Engineering, D.P.C.

by 
Margaret Smith McManus, PE
Vice President for Engineering

cc: Town Planner, Town Engineer

December 31, 2025

RESPONSE to comment letters for Planning Board

Page 3 of 3

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