KSCJ CONSULTING

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July 2, 2025

Town Board
Town of Yorktown
363 Underhill Avenue
Yorktown Heights, New York 10598

Attn: Mr. Ed Lachterman,
Town Supervisor

RE: Homeland Towers, LLC
Granite Springs

Dear Supervisor Lachterman and Members of the Town Board:

On behalf of our client, Homeland Towers, LLC, KSCJ Consulting is pleased to submit our revised plans in connection with Homeland Towers' application before the Town Board. The subject property consists of ±4.17 acres of land located on the north side of Granite Springs Road in the Town of Yorktown. The property is identified on the Town of Yorktown Tax Map as Section 27.11, Block 1, Lot 33 and Section 27.07, Block 1, Lot 53. The subject property is owned by the Town of Yorktown and is proposed to be developed with a 130-foot monopole tower, ancillary telecommunications equipment, gravel driveway and gravel compound area. The subject property is the vicinity of residential uses, undeveloped land and farmland.

The configuration of the parcel is referred to as a "flag lot" with the "flagpole" portion of the lot fronting on Granite Springs Road. The western side of the "flagpole" contains wetlands that are part of a larger wetland system located on Lot 53 to the west, also owned by the Town of Yorktown. On-site wetlands and watercourses are jurisdictional to the New York State Department of Environmental Conservation (NYSDEC) as Wetland A-13, the Army Corps of Engineers (ACOE), and the Town of Yorktown. On-site wetlands and watercourses were delineated by this office on November 9, 2021 and the delineation has been accepted as accurate by representatives of the NYSDEC and the Town of Yorktown.

The purpose of this letter is to evaluate the proposed action as it relates to the Town's permitting and mitigation standards applicable to wetlands, specifically Chapter 178, Freshwater Wetlands, Chapter 270, Trees, and Chapter 248, Stormwater Management and Erosion and Sediment Control. Responses to comments received by the Conservation Board and NYSDEC are also provided herein.

<u>Chapter 178, Freshwater Wetlands</u>

As stated above, on-site wetlands are jurisdictional to the NYSDEC as Wetland A-13. Wetlands were delineated in accordance with the NYSDEC Freshwater Wetlands Delineation Manual, July 1995, and the

boundary was verified as being accurate by Sarah Pawliczak of the NYSDEC on November 29, 2021. A fully executed NYSDEC Wetland Validation Map is on file with the Town. In addition to regulating the wetland proper, the NYSDEC regulates a 100-foot Wetland Adjacent Area.

Wetlands were delineated in accordance with the Town's definition of "Wetland/Freshwater Wetland" and the wetland boundary line was evaluated and accepted as accurate by the Town of Yorktown's Wetland Consultant on December 13, 2024. In addition to regulating the wetland proper, the Town regulates a 100-foot wetland/watercourse buffer area. While no disturbance is proposed within the wetland proper, 15,627 s.f. of disturbance is proposed within the wetland buffer and a Wetland Permit from the Town of Yorktown will be required.

On-site wetlands were delineated in accordance with the Corps of Engineers Wetland Delineation Manual, 1987, and its supplements. No disturbance is proposed within the wetland proper and the ACOE does not regulate a wetland adjacent area or buffer area; therefore, no permitting from the ACOE is required. No impervious surfaces are proposed within 100-feet of a NYSDEC wetland or NYCDEP watercourse and land disturbance is less than 2 acres; therefore, approvals/permits from the NYCDEP are not required.

Homeland Towers, LLC is proposing to construct a telecommunications facility in the form of a 130-foot monopole tower and ancillary equipment within a fenced gravel compound area. The facility will be accessed from Granite Springs Road via a ±500-foot gravel access driveway, ±425 feet of which is located within the wetland buffer. Electrical and telecommunication services will be provided to the facility, underground, from Granite Springs Road, and will generally follow the proposed driveway. Due to the topographical, wetland and property line constraints, retaining walls are needed on one or both sides of the driveway for the first ±200 feet off Granite Springs Road; the maximum height of the retaining walls will be ±4 feet. Gabion walls, which are considered pervious, are proposed and consist of metal baskets filled with trap rock.

It is anticipated that the project will result in approximately 28,479 s.f. of total land disturbance. Of the 28,479 s.f. of total land disturbance, approximately 15,627s.f. of disturbance is proposed to occur within the wetland buffer. Disturbance within the wetland buffer will take the form of tree removal, land grading, construction of a gravel driveway, construction of retaining walls, and installation of electrical/telecom utilities. In terms of tree removal, 41 protected trees are proposed to be removed from within the wetland buffer. Tree removal has bee reduced to the maximum practicable and is unavoidable.

The proposed disturbance to the wetland and wetland buffer is necessary and unavoidable. The subject parcel has only one means on ingress and egress and that is through the ±110 feet of road frontage on Granite Springs Road. Homeland Towers, LLC has gone to great lengths over the last three (3) years to seek an alternate means of access to reduce or eliminate wetland impacts, including negotiating an access easement with two (2) different adjoining property owners, to no avail.

The proposed facility is needed in the community to fill a gap in coverage. While other sites in the vicinity were evaluated, the subject parcel was determined to be the only feasible and least intrusive alternative. While the property does present some challenges in terms of access, the majority of the parcel, where the tower is to be constructed, is environmentally unconstrainted. All practical efforts have been made to first explore potential alternatives to avoid or minimize disturbance to the wetland buffer and then to minimize impacts to the extent possible through project design and mitigation. The following components have been incorporated into the design to minimize impacts:

- The driveway and compound area will be constructed entirely of gravel; the driveway apron meeting the asphalt road will be a porous Grasscrete paver; impervious surfaces have been reduced to the extent possible and there are no impervious surfaces located within the wetland buffer.

- The width of the driveway has been reduced to 10 feet wide which limits the footprint of the driveway to the greatest extent practicable.

- A gabion style retaining wall system is proposed which is considered porous.

- The area of land disturbance has been minimized to the extent possible, thereby reducing tree removal and grading.

- The vertical alignment of the driveway follows the natural topography to the extent possible and reduces grading (cut & fill).

- A wetland mitigation plan has been prepared in the form of native wetland buffer plantings and protection of existing trees to remain.

- A Stormwater Pollution Prevention Plan (SWPPP) has been prepared, as required.

In accordance with Section 178-12B, the approval authority must make the following findings when issuing a wetland permit; our response to each finding is provided below:

1. 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.

   The proposed action is consistent with the Town's policies for preserving and protecting wetlands while improving the general welfare of the public by filling a gap in cellular coverage. The proposed action does not involve direct impacts to the wetland proper and disturbance to the wetland buffer has been minimized to the greatest extent possible. The vertical alignment of the driveway follows the existing topography thereby reducing grading and keeping the limits of land

disturbance and tree removal tight to the driveway and compound area. The proposed action will not increase or exacerbate flooding and there are no known unique vegetative communities or habitat that will be affected by the project. A Stormwater Pollution Prevention Plan has been prepared which will ensure that erosion and sedimentation will not occur outside the limits of disturbance and that disturbed areas will be stabilized upon project completion.

2. 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.

   The project requires an Article 24 Freshwater Wetland Permit from the NYSDEC and the project will be compliant with both local and NYSDEC wetland regulations.

3. The proposed regulated activity is compatible with the public health and welfare.

   The proposed action will have a positive effect on the public health and welfare as its purpose is to fill a gap in wireless service coverage.

4. 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.

   Alternatives sites and access points have been evaluated and are not possible; the proposed action is the only viable option. The extent of disturbance to the wetland buffer has been reduced to the greatest extent practicable.

5. 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.

   The project will not result in the loss of wetlands. The project design, as discussed above, minimizes the impact to the wetland buffer and therefore preserves the function and benefits that the wetland provides.

6. The proposed regulated activities are in compliance with the standards set forth in 6 NYCRR 665.7(e) and 665.7(g), as amended.

   By virtue of obtaining a NYSDEC Article 24 Freshwater Wetland Permit, the proposed action will comply with the above-referenced regulations.

Chapter 270 – Trees

The proposed action will result in the removal of 88 protected trees, as defined under Chapter 270 of the Town Code. The removal of trees on this wooded site is unavoidable and necessary to meet the goals and objectives of the project. Tree removal has been reduced to the greatest extent possible by incorporating the below measures into the project design:

- The width of the driveway has been reduced to 10 feet wide which limits the footprint of the driveway to the greatest extent practicable.

- The vertical alignment of the driveway follows the natural topography to the extent possible to reduce grading (cut & fill).

- Retaining walls are proposed, where necessary, to reduce grading and tree removal.

- The limits of land disturbance have been minimized to the extent possible, thereby reducing tree removal and grading. The limits of disturbance will be staked in the field prior to the commencement of work.

The proposed action is consistent with the legislative intent of Chapter 270, Trees. Tree removal has been reduced to the greatest extent practicable and the proposed action will not create surface drainage problems; will not increase municipal expenditures to control drainage; will not impact the stability and value of nearby properties; will not adversely affect fundamental ecological systems; and will not create unsightly and baren conditions.

Regarding the required tree removal mitigation plan, we note that Section 270-5K of the Town Code states that where disturbance in a protected woodland is also located within the wetland/wetland buffer, mitigation required under Chapter 178, Freshwater Wetlands, and Chapter 270, Trees, can be combined. In accordance with Section 270-10, a mitigation plan has been prepared and includes the following:

1. The limits of disturbance has been minimized and will be staked in the field prior to the commencement of work.

2. Tree protection measures will be employed and are shown on the Erosion and Sediment Control Plan.

3. Trees and shrubs are proposed, where practicable. The limits of disturbance is tight and there are limited areas to plant trees without being below the existing tree canopy, where new tree plantings tend to have lower survival rates due to dense shade. The applicant is committed to installing evergreen trees along the common residential property to provide a landscaped buffer for the neighbor. Overall, 88 trees (1,302 caliper inches) will be removed as a result of the project. The

proposed planting plan includes 23 new trees, 24 new shrubs, and 200 perennials. The applicant is willing to make a payment into the Town's Tree Bank Fund in accordance with Section 270-10D.4.f, if determined necessary.

4. All proposed trees, shrubs and ground cover will be native species.

5. Proposed plantings will be protected from deer browse by either netting or fencing.

Stormwater Management

The project site lies within the Croton River Basin, part of the NYC Drinking Water Supply. Development of the site will involve disturbances to a total of ±0.65 acres (±28,479 s.f.). The project has been designed in accordance with Chapter 248 – Stormwater Management and Erosion and Sediment Control of the Code the Town of Yorktown. Although the project disturbance is less than an acre, the disturbance is greater than 5,000 square feet and within the NYCDEP East-Hudson watershed, the project requires coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit, GP-0-25-001, for Stormwater Discharges from Construction Activity ("General Permit") for a basic SWPPP (Erosion and Sediment Control only).

Under the post development condition, a grasscrete apron entering the site off of Granite Springs Road and a gravel access driveway shall be constructed upslope to a gravel compound area. The change in land cover will result in a nominal increase to peak rates of runoff. In order to mitigate this increase, the gravel compound area will be constructed with a 1-foot deep drainage layer, set level, to serve as stormwater detention. Although this layer will allow for infiltration, conservatively this design does not take infiltration into account and only considers this to be storage for calculation purposes. The SWPPP provided demonstrates a reduction in the peak rates of runoff for the 1, 10 and 100-year storm events when comparing the existing to the proposed condition.

Response to Conservation Board Comments, dated May 15, 2024

1. Please find the attached revised EAF, prepared by Saratoga Associates and letter from EBI Consulting regarding endangered or threatened species.

2. No temporary or permanent disturbance is proposed within the wetland proper; therefore, mitigation for wetland loss is not necessary.

3. The project will result in approximately 15,627 s.f. of wetland buffer disturbance. A wetland mitigation plan has been prepared in the form of native wetland buffer plantings and protection of existing trees to remain. See the "Wetland" section above for additional information.

4. Evergreen trees are proposed along the east side of the proposed driveway, along the neighbors northerly property line and along the south side of the proposed compound for screening purposes; altogether 23 screening trees are proposed.

5. A gate has been incorporated at the driveway entrance on Granite Springs Road, as requested, and a detail provided.

6. It is acknowledged that a tree permit will be required. As described in more detail under the "Tree" section above, the applicant is committed to installing evergreen trees along the common residential property to provide a landscaped buffer for the neighbor. Overall, 88 trees (1,302 caliper inches) will be removed as a result of the project. The proposed planting plan includes 23 new trees, 24 new shrubs, and 200 perennials. The applicant is willing to make a payment into the Tree Bank Fund in accordance with Section 270-10D.4.f, if determined necessary.

Response to Comments Provided by the NYSDEC, dated November 25, 2022

1. The proposed action will not disturb the bed or banks of a NYSDEC regulated watercourse and, therefore, an Article 15 Protection of Waters Permit is not required.

2. The wetland boundary has been delineated by this office and verified as being accurate by the NYSDEC and the Town of Yorktown; a signed NYSDEC wetland boundary validation block is provided on the plans.

3. No disturbance to the wetland proper is proposed, therefore, a permit from the Army Corps of Engineers and a Water Quality Certification from the NYSDEC are not required.

4. We acknowledge that the NYSDEC has confirmed that there are no records of state-listed sensitive species on the subject property.

5. We acknowledge that the site is located within the NYC East of Hudson Watershed and is subject to the NYCDEP Rules and Regulations. As the limit of land disturbance is less than 2-acres and as no impervious surface is proposed within 100-feet of a NYSDEC regulated wetland or NYCDEP regulated watercourse, approval from the NYCDEP is not required.

6. We acknowledge that coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-25-001) is required; a SWPPP has been prepared in compliance with both local and NYSDEC standards.

Overall, the proposed development is consistent with the Town's plans and goals, is minimized to the extent possible to lessen impacts, and is respectful of the environment through design. We thank you for your time and consideration and look forward to discussing the project further.

Very truly yours,

Jan K. Johannessen, RLA, AICP
KSCJ Consulting

JKJ/dc

cc: Homeland Towers, LLC
Robert Gaudioso, Esq.

https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Project Docs P/YRHOMELAND900/KSC Correspondence/2025-07-02_YRHomeland900_YorktownTB_Lachterman_Submission Ltr.docx