

TOWN OF YORKTOWN CONSERVATION BOARD

Town of Yorktown Town Hall, Yorktown Heights, New York 10598, Phone (914) 962-5722

To: Town Board
From: Conservation Board
Date: September 22, 2025
Subject: Town Board Referral – 3766 Foothill Street; 15.08-1-6
Request for stormwater management, tree, and wetland permits to construct a single-family dwelling on an existing lot.

The Conservation Board reviewed the above referenced subject at their meeting held on Wednesday, September 17, 2025. Ralph Mastromonaco, Project Engineer, was present. The proposed development of a single-family dwelling in the wetland buffer of a New York State regulated wetland was discussed.

The Conservation Board has the following comments:

1. In addition to the wetland permit application, the applicant needs to prepare and submit a wetland mitigation plan (*in accordance with the requirements of Chapter 178-17 of the Town Code*). Mr. Mastromonaco stated that the applicant is willing to create a conservation area on-site and move a large section of the property into it to use as mitigation as identified on a site plan that was not provided with the original submission but was later given to the Conservation Board. Does the conservation of open space elsewhere on the property serve to provide adequate mitigation and protection of the wetlands and buffer? This issue needs to be researched as to the applicability of land conservation as potential mitigation.

The applicant needs to explain how the creation of a conservation area would protect or enhance the wetlands and buffer. They also need to identify other potential alternative mitigation measures including the utilization of areas on-site for wetland creation that could be used as mitigation. Regarding the possible creation of a conservation area on the property, the applicant would need to contact the Planning Department to find out the Town's procedure to get this approved.
2. A NYSDEC Freshwater Wetlands Permit obtained by the applicant for this project was sent to the Town on 9/18/2025. This permit identifies that 16,800SF of disturbance to the NYS Regulated Wetland and its 100-foot buffer was approved by the NYSDEC. The application package received by the Town identifies that only 11,715SF of disturbance would occur on-site and only to the 100-foot buffer, not the wetlands. The applicant needs to provide an explanation as to why the information provided to the NYSDEC is different than what was proposed to the Town.
3. The Conservation Board noted a mistake on the information provided to the Town in that the site is identified on the main section of the site plans (Sheets 1-3) as consisting of 7.966 acres, on the legend of Sheets 1-3 as 7.66 acres, and on the permit application as 7.65 acres. The application is correct, which was later confirmed by reviewing Town tax maps. The main section and legend of the site plans (Sheets 1-3) need to be revised to identify 7.65 acres.
4. The site plan and application package show that 22 trees are required to be removed during construction. All of these trees are protected (with 8" dbh or greater), therefore, the applicant needs to prepare and submit a mitigation plan (*in accordance with Chapter 270-10 D. of the Town Code*). A tree inventory worksheet, as identified on the Town of Yorktown website, needs to be completed and submitted for review.
5. The on-site stormwater management was discussed. The Conservation Board identified that a Stormwater Pollution Prevention Plan (*in accordance with Chapter 248-6 of the Town Code*) was not provided with the application package and needs to be prepared and submitted for review and approval.

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6. After the meeting, a review was made of the Town's regulations to see if any additional information was missing from the application package. Under Chapter 178-10 B.(1) of the Town Code, the following information is missing from the application package for wetlands:
- (e) List of names of the owners of land adjacent to the buffer and within 100 feet of the proposed activity. This list was not provided in the application.
 - (f) [1] All wetlands and/or watercourses on the site and within 200 feet must be delineated no earlier than 12 months prior to the date of filing the application. The wetland delineation is missing from the northern section of the property, and the certified delineation was conducted on 2/4/2020 which is not within 12 months of application filing. The wetland delineation will need to be verified by the Town's consultant.
 - (f) [2] A description of the vegetative cover of the regulated area including dominant species. This information was not provided in the application.
 - (f) [3] A description of the soil types on-site. This information was not provided in the permit application.
 - (f) [11] Where creation of a detention basin is proposed, with or without excavation, details of the construction of any dams, berms, embankments, outlets or water control devices, and an analysis of the wetland hydrologic system, including seasonal water fluctuations, inflow/outflow calculations, and subsurface soil, geology and groundwater conditions. A detention basin is proposed for the project, which is identified on the site plan, however, no other information regarding this structure was provided by the applicant.

The Conservation Board recommends that the permit process should not continue until the missing information as identified is provided and the conflicting project information approved by the NYSDEC Freshwater Wetlands Permit is provided by the applicant.

Respectfully submitted:

Phyllis Bock

For the Conservation Board

cc: Town Clerk
Applicant