



**TOWN OF GREENBURGH  
Conservation Advisory Council**

Greenburgh Town Hall

Steve Belasco Room

Minutes of Meeting Monday, June 3, 2019

**ROLL CALL:**

**CAC Members Present:** T. Tori, M. Sigal, S. Hernstadt, G. Thiesen, D. Maiello,

**Town of Greenburgh:** Aaron Schmidt, Deputy Commissioner, CD&C

**Others:** Caroline Lugones, resident, Old Colony Road

Brian Zappi, PE, ZappiCo Real Estate Development (Applicant)

Brandon Zappi, PE, ZappiCo Real Estate Development (Applicant)

Rosemary and Jim Zappi, ZappiCo Real Estate Development (Applicant)

**WETLANDS AND WATER COURSES PERMIT REFERRALS:**

**Case No. PB 17-36 Zappico, Old Colony Road (P.O. Hartsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, Wetland/Watercourse Permit and Tree Removal Permit (continued review)**

The Department of Community Development and Conservation and the Planning Board received application materials in connection with a preliminary subdivision, steep slope permit, wetland/watercourse permit, and tree removal permit application for a proposal consisting of the subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences. Proposed Lot 1 would consist of 58,372 sq. ft. Proposed Lot 2 would consist of 23,753 sq. ft. Proposed Lot 3 would consist of 17,012 sq. ft., and proposed Lot 4 would consist of 14,973 sq. ft. The applicant proposes 20,193 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 9,058 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 26,002.5 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes to disturb approximately 641 sq. ft. of the 1,236 sq. ft. of regulated watercourse area on the subject property, associated with the proposed piping of an on-site watercourse, and approximately 29,743 sq. ft. of the 46,235 sq. ft. of regulated watercourse buffer area on the subject property. The applicant proposes the removal of seventy (70) regulated trees, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which calls for the planting of six Red Oaks, thirty-two Norway Spruces, nine Green Giant Arborvitae, eight White Spruces, six Maples, four Eastern Redbuds, six White Oaks and an assortment of foundation shrubs and plants as replacement. The property consists of approximately 114,110 sq. ft. and is situated on the south side of Old Colony Road, opposite the intersection of Old Colony Road and Midvale Road. The properties are located in the R-10 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.360-259-11 & 12.

Aaron Schmidt, Town of Greenburgh Deputy Commissioner, Community Development and Conservation, narrated to the CAC a slide presentation with a project overview. The text of his

presentation is attached to these meeting minutes. Additional information or discussion not included in Mr. Schmidt's presentation notes are documented in these meeting minutes.

Mr. Schmidt is not sure when the catch basins on Midvale and Old Colony were installed. A 1964 drainage maps shows the drainage was similar to existing drainage – that is, the manholes and Lot 11 headwall are in similar locations. No catch basins are shown on the 1964 map. A 1935 subdivision map does not show a watercourse west of the site. It appears upstream, road runoff drainage is being daylighted at the headwall.

The proposed retaining wall rear of the house sites is 10 feet high.

With regard to landscaping, Mr. Schmidt said he would have the Applicant break down the proposed tree planting. He gave the Applicant a suggested species list and indicated that the Applicant is proposing a variety of hardwoods. He also explained that the warranty on plantings for approved subdivision plans runs in perpetuity. The CAC can recommend that the landscape plan be filed with the County as part of the land records. The CAC can also recommend to the Planning Board that the trees not indicated for removal be designated as trees to be preserved.

With regard to whether or not Lot 1 could be further subdivided, Mr. Schmidt said a conservation easement has been discussed. The Planning Board can condition that no future or further subdivision is permitted.

The Applicant will be required to coordinate construction trucks with existing traffic (i.e. refuse vehicles, school buses, etc.)

Upon review of the proposed stormwater design, the Town Engineer agrees that post-development runoff will be decreased by 10%.

The existing pipe on Pipeline Road is an 18" RCP. The applicant is proposing to tie into this pipe with a 15" pipe. The Town Engineer is still reviewing the proposed pipe sizes, and the coordination and condition of the 18" pipe to evaluate condition, sizing and adequacy of system to handle runoff. The Water Department will camera the Pipeline Road pipe to assist in evaluation of condition. The DPW is going to jet and clean the upstream pipes and catch basins.

The CAC asked if the Applicant can put in some kind of filtration system where they are connecting to the Old Colony Road drainage (an HDS system or similar). It was noted by Mr. Schmidt that the future maintenance of any stormwater quality device would be by the Town as it would be within the proposed drainage easement.

The Town Engineer asked for a Watershed Analysis to see how much water is moving through this property. The Applicant indicated it appears to be a 10 to 15 acre watershed mainly west of the site. He has prepared this information and given it to the Town Engineer who is reviewing it and

has indicated he has some comments. The Town Engineer wants to be sure the proposed pipe and existing pipe are adequate to handle volume, velocity and hydrologic elevations. The pipes will be cleaned, camera'd and their condition and sufficiency evaluated. The Commission of Public Works has indicated that the DPW would have to opine on who would pay for new piping if it is required on Pipeline Road to accommodate the additional flow.

Mr. Schmidt indicated that the CAC can say their approval is based on the Town Engineer's recommendation/what he determines is adequate for the development (since we don't know what this is at this point).

Ms. Lugones, a Town resident, was invited to speak. She said that since the new house on Old Colony Road was constructed, there seems to be an increasing in icing on Pipeline Road. She wants to know why this happened? Will the new house sites use the same stormwater system?

According to Mr. Schmidt, the DPW says the water pooling/icing was south of the new house site. A 6" perforated pipe was installed in the road shoulder to capture water before it overflows onto Pipeline. Does the new house have the same stormwater system as proposed system? Mr. Schmidt said he can confirm if the system was installed as per the approved plans. He did not know what was approved or installed.

Jim Zappi indicated that the new system will be 'cleaner' than the existing open system as there will be less sediment and scouring.

With regard to future schedule, the project will not be approved by the Planning Board on June 6<sup>th</sup>. There will be at least 2 public hearings and the Board does not issue approvals at public hearings. Initially only preliminary subdivision approval will be issued. After the plat is filed with Westchester County, there will be a final subdivision application and then the environmental permit approvals.

The CAC asked if there is a way to require post approval remediation. Per Mr. Schmidt, yes, if it is proven there was causation. The CAC can recommend that after construction, if there is more icing on Pipeline Road, and causation if proved (probably by the Bureau of Engineering), remediation would be required. Mr. Schmidt indicated that the Town Engineer reviewed 100 Old Colony Road project (the new construction) and could find no cause of it to increase icing on Pipeline.

The CAC asked how has to maintain the individual stormwater systems. Jim Zappi said it would be the property owner and they can add the stormwater maintenance requirement onto the Plat.

The CAC voted to recommend wetland/watercourse permit approval based on the following conditions:

1. The Town Engineer is satisfied with the Watershed Analysis (the Planning Board might want to consider that the 1935 map shown no upslope watercourse);
2. The tree warranty runs in perpetuity and is filed as part of the Subdivision and is in the land record;
3. The trees not designated for removal be indicated for preservation;
4. There be no future or further subdivision of these lots;
5. The Town Engineer agrees the existing piping and the new piping are sufficient and in good condition for accommodating the development as well as the upstream watershed;
6. There be some stormwater quality control device included in the proposed piping system within the proposed easement;
7. Post approval remediation be required if a causation relationship is shown between the development and icing conditions on Pipeline Road; and
8. The Plat will include a note regarding maintenance of stormwater management systems is the property owner's responsibility.

The CAC also suggest that if the Pipeline Road drainage system needs to be added to and/or repaired due to the proposal and not due to existing conditions, this not be incurred as a cost to the Town.

As noted at the beginning of the minutes, a copy of Mr. Schmidt's project overview is attached to these minutes.

**ESTABLISH DATE OF NEXT MEETING:**

Thursday, June 27, 2019.

**PB 17-36 Old Colony Road (Zappico) Subdivision**

This project site was the subject of pre-submission conferences held by the Planning Board on January 17, 2018 and April 4, 2018, where various conceptual layouts were presented to the Planning Board for preliminary review and feedback. The applicant presented various plans involving 10-lot subdivision layouts, including a conventional subdivision layout, as well as various alternative layouts designed using the Town's Conservation District overlay.

Following its meetings with the Planning Board and additional meetings held with Town staff, on January 4, 2019, the applicant submitted formal preliminary subdivision, steep slope permit, wetland/watercourse permit, and tree removal permit applications to the Department of Community Development and Conservation, for a proposal consisting of the subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences, within the R-10 One-Family Residence zoning district. Proposed Lot 1 would consist of 58,372 sq. ft. Proposed Lot 2 would consist of 23,753 sq. ft. Proposed Lot 3 would consist of 17,012 sq. ft., and proposed Lot 4 would consist of 14,973 sq. ft.

The applicant proposes 20,193 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 9,058 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 26,002.5 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES) in connection with development of the site.

The applicant proposes to disturb approximately 641 sq. ft. of the 1,236 sq. ft. of regulated watercourse area on the subject property, associated with the proposed piping of an on-site watercourse, and approximately 29,743 sq. ft. of the 46,235 sq. ft. of regulated watercourse buffer area on the subject properties, associated with proposed new home construction, related improvements, site grading, retaining wall construction, tree removal and landscaping activities.

The applicant proposes the removal of seventy (70) regulated trees, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which calls for the planting of four (4) Oak trees, sixteen each of (16) Blue Spruce and Norway Spruce trees, nine (9) Green Giant Arborvitae trees, eight (8) White Spruce trees, six (6) Sugar Maple trees, four (4) Eastern Redbud trees, four (4) Shagbark Hickory trees, four (4) White Oak trees, and an assortment of foundation shrubs and plants, as replacement.

The project requires approximately 166 cubic yards of excavation and approximately 17,200 cubic yards of imported fill, requiring a fill permit from the Town Engineer.

The proposed action is expected to create additional stormwater runoff. The applicant has provided documentation to the Town Engineer which identifies that the proposed stormwater management system on each of the four (4) proposed lots have been designed to accommodate water from a 100-year storm event. A 168 page Stormwater Report was provided, and was forwarded to the CAC. The Town Engineer has reviewed the documentation provided by the applicant, and has determined that, as currently designed, the stormwater management system for each of the four (4) proposed lots can accommodate and treat stormwater runoff from a 100-year storm event. The Town Code requires that such a system accommodate stormwater runoff from a 25-year storm event.

The applicant proposes to pipe an existing on-site watercourse, which it proposes to pipe through a utility easement. The applicant proposes to run a new 15" diameter drain pipe through the proposed easement, to carry water currently which flows through the open watercourse. The applicant proposes to tie its proposed 15" diameter drain pipe into an existing drain pipe located within the shoulder of Pipeline Road (Aqueduct Drive). The Town Engineer required the applicant to provide a watershed analysis, to determine if the proposed piping by the applicant, and the existing piping adjacent to Pipeline Road, is adequate to handle the volume of water moving through this system. The applicant has submitted documentation to the Town Engineer, which is currently under review.

The properties consist of approximately 114,110 sq. ft. and is situated on the south side of Old Colony Road, opposite the intersection of Old Colony Road and Midvale Road. The properties are located in the R-10 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.360-259-11 & 12.