We purchased the property in the summer of 2017 with the intention of occupying it ourselves and had anticipated just doing a small renovation in order for it to suit our family. The original home was certainly on the smaller side at approximately 1300 square feet, but we were accustomed to apartment living so it was OK. After several different designs for a small addition to the home, and several meetings with various contractors for quotes on construction costs on the various design options it became very apparent that the best course of action for us would be to demolish the existing home and construct a new one on the existing foundation. So back to the design process we went.

A short time passed before we arrived at a suitable architectural design for us and we began the permitting process. The initial design called for the reuse of the existing foundation, however upon demolition of the home it was discovered that the foundation was in poor shape and not suitable for use. The foundation was cracked and damaged in numerous places. It also appeared that the slab and foundation had been pieced together in multiple stages over the years. It was advised by an engineer that we do not re-use the foundation as originally planned. A new foundation plan was drawn up by our architect and submitted as a revision to the original building plan. The plan was approved and the construction continued. We arrived at the stage of the footings and foundation being complete, now with a crawlspace several feet tall. We now had inquired about possibly making the crawlspace into unfinished basement storage for the house as the crawlspace was fairly tall. A design was again submitted which entailed adding approximately 3 feet to the foundation which still kept the overall height of the structure within the allowed limits, and an expansion of the garage area to a 2 car garage from a 1 car. Included with this was a widening of the driveway to allow access to the garage. Also drawn into the plan revision were (2) Cultec 330XLHD storm water chambers to accommodate for the additional footprint of the garage and driveway area.

Once again the plans were approved in July 2018 and construction continued on. Fast forward to April of this year, the house has been constructed to the specs of the design submitted and the storm water systems have also been installed as per the plans. I received a call from the building department stating that would have to cease all work at the property immediately. I scheduled a meeting at the building department for the following day to get clarification on exactly what was transpiring. It was explained to me that the project was to go back to the Department of Community Development and Conservation for Wetland / Watercourse Clearance once again and also back to the Engineering Department for a Steep Slopes Clearance, and a Storm Water Management Permit. I was not aware that we had inadvertently skipped those steps. I take full responsibility for the error, as I am now trying to rectify the issue with all departments involved. At the conclusion of the meeting, the various heads of the departments involved were in agreement that construction could continue on the interior of the home only, which we have complied to.

The only additional changes to the plans that have not been put in place or approved is a proposed approximately 10 foot wide vegetated strip off of the house side of the watercourse. This would contain the addition of a mixture of lower level flowers and perennials, various shrubs, and a few medium sized trees, to the existing vegetation that currently exists there. This would create an additional buffer for the “minor tributary to the Grassy Sprain Brook”.
TO: TOWN OF GREENBURGH PLANNING BOARD  
FROM: Jeffrey Jee – 109 Highland Rd, Scarsdale NY 10583  
DATE: July 9, 2019  
RE: REQUEST FOR UTILIZATION OF MINOR PROJECT REVIEW AND APPLICATION PROCESS  

Members of the Planning Board,

We hereby request the utilization of the minor project review and application process.

The proposed activity constitutes a Type II action pursuant to SEQRA section 617.5 (b) (7). We believe that review under SEQRA is therefore complete and a determination of significance and draft environmental impact statement are not required.

The proposed work consists of connecting the water and sewer lines from the home to the town junctions, paving of the driveway, and completion of a stone paver patio. The proposed activity does not require the excavation of more than 100 cubic yards or the disturbance of more than 5,000 square feet.

It is requested that the following permit application requirements be waived due to the Minor Project status and the belief that the proposed activity will not have a negative impact on the watercourse and/or buffer area:

§ 280-8.C(6)(d) – N/A  
§ 280-8.C(6)(e) – N/A  
§ 280-8.C(6)(g) – N/A  
§ 280-8.C(6)(h) – Geology and ground water conditions  
§ 280-8.C(6)(j) – N/A  
§ 280-8.C(6)(k) – N/A  
§ 280-8.C(7) – N/A  
§ 280-8.C(8) – N/A  
§ 280-8.C(10) – Delineation by a wetland scientist  
§ 280-8.C(11) – Delineation report and assessment by a wetland scientist  
§ 280-8.C(13) – N/A – Type II Action

Thank you for your time and consideration.

Sincerely,

Jeffrey Jee
Minor Project Wetlands and Watercourse
Application Package

It is the intent of the Town of Greenburgh to control, protect, preserve, conserve and regulate wetlands, watercourses and adjacent (buffer) areas within the Town so as to not hinder the benefits set forth in the legislative findings of Chapter 280. Activities in and around wetlands, watercourses and their buffer areas must conform with all applicable building codes, sediment control regulations, and other regulations, so that such activities do not threaten public safety, the natural environment, or cause nuisances by:

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 wet soils; inappropriate siting of stormwater control facilities; unauthorized application of fertilizers; pesticides; herbicides and algacides; 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 many species of waterfowl and shorebirds, including those rare and endangered;
E. Interfering with the exchange of nutrients needed by fish and other forms of wildlife;
F. Decreasing habitat for fish and other forms of wildlife;
G. Adversely altering the recharge or discharge functions of wetlands, thereby impacting ground water or surface water supplies;
H. Significantly altering the wetland hydroperiod and thereby causing either short- or long-term changes in vegetational composition, soils characteristics, nutrient recycling, or water chemistry;
I. Destroying sites needed for education and scientific research, such as outdoor biophysical laboratories, living classrooms, and training areas;
J. 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
K. Destroying or damaging aesthetic and property values, including significant public vistas.

Application Contents:
1. Instruction to Applicants
2. Fee schedule
3. Wetland/Watercourse Application Permit Requirements
4. Affidavit of Ownership
5. Wetland/Watercourse Permit Application Form
6. Full Environmental Assessment Form
7. Project Site Plan Requirements and Checklist
I. Instructions for applying for a permit for development in a wetlands, watercourse or adjacent buffer area

Preliminary Submission Requirements
All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to properly determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth herewith.

Upon submission of a completed clearance form by an applicant, the Wetland Inspector or other authorized representative must determine one of the following, provided the proposed activity is not prohibited pursuant to this chapter:

1. That the proposed activity or use is an allowable activity or use pursuant to this chapter, and no wetland/watercourse permit is required. The Wetland Inspector shall sign and issue a wetlands/watercourse clearance form indicating same.

2. That the proposed activity or use does not impact or occur within a wetland/watercourse or adjacent (buffer) area, and no wetland/watercourse permit is required. The Wetland Inspector shall sign and issue a wetlands/watercourse clearance form indicating same.

3. That a wetland/watercourse permit is required in accordance with the standards and procedures set forth in Chapter 280.

The Wetland Inspector or other authorized representative may require an applicant to provide additional information, including but not limited to a qualified wetland delineation, report and survey, to assist in making such a determination; and may further defer the making of said determination to the Planning Board.

Minor Project Submission Requirements
Where an applicant proposes a minor project that is not referred to the Planning Board by the Town's Wetland Inspector, application submission requirements as set forth in Chapter 280, Subsection C may be waived in part, at the discretion of the Town Wetlands Inspector and with the approval of the Planning Board, if all of the following conditions are met:

a. Request for utilization of this process shall be in writing and clearly state the reasons in support of such request, in order to allow the Wetlands Inspector to determine that the granting of any such request is no less protective of wetlands, watercourses and adjacent (buffer) areas.

b. The proposed activity, taken as a whole, must constitute a Type II action pursuant to SEQRA.

c. The Town Wetland Inspector must report to the Planning Board on each minor application received and give the basis for the proposed determination.

Fees
All required fees and escrow for review as set forth in Section III.

The Planning Board may terminate this expedited permit process at any time and require the full processing of the application at its discretion.
II. **Wetland/Watercourse Application Permit Requirements**

1. A list of the names and addresses of property owners, along with tax map identification addresses, of properties within 500 feet of the boundaries of the property that is the subject of this application. The list must include the names and addresses of the owners of record of lands adjacent to the wetland or watercourse and wetland/watercourse buffer in which the project is to be undertaken which relate to any land within 500 feet of the boundary of the property on which the proposed regulated activity would be located.

2. Rejected Wetlands/Watercourse Clearance Form

3. Wetland/Watercourse Permit Application Form

4. Project Site Plan including:
   a. Project location map, showing the subject property as a parcel centered within adjacent parcels within 500 feet, surrounding zoning, named streets and water-related resources; and having a scale of no less than one inch equals 400 feet.
   b. Existing conditions map, including information as specified under §280 (C). (Please refer to Site Plan Requirements and Checklist).
   c. Complete plans and estimates for the proposed site improvements, certified by an engineer, land surveyor, architect, or landscape architect licensed in the State of New York, drawn to a scale no less detailed than one inch equals 50 feet.
   d. Details of erosion and sediment control practices.
   e. Proposed mitigation plans.

5. A complete and accurate long-form environmental assessment form (EAF) in accordance with the procedures of the State Environmental Quality Review Act.

6. All required fees and escrow for review as set forth in Section III.

7. The approval authority may require additional information as needed such as the study of flood, erosion, or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards, and other information deemed necessary to evaluate the proposed use in terms of the goals and standards of this chapter.

All applications for a wetland/watercourse permit shall be referred to the Town of Greenburgh Conservation Advisory Council (CAC) for review and recommendations, and the CAC shall have 60 days from the date of receipt to make its recommendation to the approval authority. Failure to render a recommendation within the specified time period will be interpreted as no objection to the application.

The Planning Board shall hold a public hearing on the application at such time as it deems appropriate, in order to give the public at least 15 days' notice thereof. The applicant shall also give at least 15 days' notice by certified mail to each of the owners of property within a five-hundred-foot radius from the boundary of the property, and such notice shall include the notice required for any other required public hearing in connection with the application, if practicable. Insofar as practicable, any public hearing on the application may be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act. Any hearing will be held by the Planning Board. At the hearing, the applicant shall bear the burden of proof and have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth below.
### III. Wetland/Watercourse Application Permit Requirements

**TOWN OF GREENBURGH**  
**WETLAND/WATERCOURSE PERMIT FEE SCHEDULE**

This form is to be included in the Application Package

<table>
<thead>
<tr>
<th>Minor Wetland/Watercourse Permit</th>
<th>Fee</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Minor Project Application</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Escrow Review (separate check)</td>
<td>$400</td>
<td>$400</td>
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<tr>
<td>Public Hearing Notice (Escrow) (separate check)</td>
<td>$200</td>
<td>$200</td>
</tr>
<tr>
<td>Public Hearing Transcript (Escrow) (separate check)</td>
<td>$200</td>
<td>$200</td>
</tr>
<tr>
<td>Construction Inspection Fee</td>
<td>0.5% of the estimated project’s total site improvement costs, exclusive of the construction costs of all buildings</td>
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<tr>
<th>Planning Board Wetland/Watercourse Permit</th>
<th>Fee</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Planning Board Permit Application</td>
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<tr>
<td>Escrow Review (separate check)</td>
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<td>Public Hearing Notice (Escrow) (separate check)</td>
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<tr>
<td>Construction Inspection Fee</td>
<td>0.5% of the estimated project’s total site improvement costs, exclusive of the construction costs of all buildings</td>
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</table>

**Subtotal**

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Please include a separate check for each subtotalled portion of the application.  
All fees must be made payable to the “Town of Greenburgh”

| Town of Greenburgh, Department of Community Development and Conservation – File Use |
|-----------------------------------------------|---------|---------|
| Minor Wetland/Watercourse Permit              | Date Received | Total | Staff initials |
| Escrow Review                                 |          |        |                |
| Construction Inspection Fee                   |          |        |                |
| Minor Wetland/Watercourse Permit              |          |        |                |
| Escrow Review                                 |          |        |                |
| Construction Inspection Fee                   |          |        |                |
TOWN OF GREENBURGH ENGINEERING NOTES
FOR SITE PLANS

NOTES TO BE PUT ON CONSTRUCTION DRAWINGS:

1. All work and materials to conform to Town of Greenburgh specifications.
2. Upon request, the Town Water Department shall locate existing water mains and services but shall not guarantee locations.
3. Provide designed retaining walls on all slopes exceeding (1) foot vertical on two (2) feet horizontal.
4. Underground electric shall be encased in rigid casing for a minimum of six feet (2-4-2) across all water mains.
5. The builder shall furnish and install 6” perforated pipe encased in crushed stone in back of curb wherever directed by the Engineer.
6. The Town Highway Department shall regulate and order what obstructions must be removed by builder for sight distance.
7. The Applicant / Contractor shall be required to comply with all rule and regulations of the Town of Greenburgh Consolidated Water District No. 1.
8. The contractor shall be required to backfill utility trenches in the public right of way with 50 psi controlled density backfill (k-crete).
9. The Applicant/contractor shall be responsible for the proper removal/disposal of existing subsurface structure (i.e. oil tanks, septic fields, fields, etc.), their contents and any remedial measures that may be required.
10. It shall be the responsibility of the Applicant/Contractor to call in Code 53. No work shall commence until a Code 53 field mark out has been performed.

GRADING PLANS:

1. Existing and proposed contours must be shown with spot elevations.
2. All lots must have positive drainage.
3. Provide drain inlets, if low spots cannot be eliminated by positive drainage.
4. Driveways must be shown on grading plans with turnarounds and proper offsets from property line.
5. House leaders must tie into an approved stormwater drainage system.

NOTES TO BE PUT ON GRADING PLANS:

1. Provide retaining walls on all slopes exceeding (1) foot vertical on two (2) feet horizontal.
2. Owner must guarantee positive drainage on all lots.
3. Swales may be required along all property lines to minimize rain run-off.
4. All driveways sloping down to garage or house shall have a drain inlet with pipe connected to an approved stormwater drainage system.
5. All driveways sloping down shall rise 6” the first 5’ and then slope down. (Label the driveway slope on the plan.)

NOTES TO BE PUT ON EROSION CONTROL PLANS:

1. The applicant shall be required to clean roadways and existing downstream drainage utilities from all siltation and construction debris as required, and upon completion of the work.
2. All plans should fully incorporate the appropriate recommendations from New York State Department of Environmental Conservation’s Standards and Specifications for Erosion and Sediment Control dated August 2005, or the most current version or its successor. The plan and its implementation shall be subject to the approval of the Town Engineer.
3. All storm water control measures for this project are to be consistent with the New York State’s Stormwater Design Manual Dated August 2004, or the most current version or its successor.
4. Plans shall note, “The measures for the control of erosion and sedimentation are undertaken consistent with the New York State’s Stormwater Design Manual, dated August 2004, or the most current version or its successor, satisfactory to the Town.”
**Project Site Plan and Mitigation Plan Requirements Checklist**

A. Project location map, showing the subject property as a parcel centered within adjacent parcels within 500 feet, surrounding zoning, named streets and water-related resources; and having a scale of no less than one inch equals 400 feet. (this should be included as part of the title page for the site plan)

B. An existing conditions and proposed construction and disturbance plan, with sufficient detail to allow review of the project. The plan should be at a scale to be able to determine where the wetland, watercourse and adjacent buffer area is located and its size, boundaries and topographic features certified by an engineer, land surveyor, architect, or landscape architect licensed in the State of New York, drawn to a scale no less detailed than one inch equals 50 feet, and including:

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<td>...</td>
<td>(1) Location of existing buildings, structures, walls, fences, areas of one-hundred-year floodplain, vegetative cover, including dominant species, and all trees with a dbh of four inches or greater;</td>
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<td>...</td>
<td>(2) Location of wetland or watercourse and corresponding 100 foot wetland/watercourse buffer area;</td>
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<td>...</td>
<td>(3) Location of the construction area or area proposed to be disturbed, and its relation to property lines, roads, buildings, structures, walls, fences, areas within 100 yards of floodplain, and trees with a dbh of four inches or greater and watercourses within 250 feet of the proposed activity;</td>
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<td>...</td>
<td>(4) The exact locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amount computed from cross-sections, estimated quantities and the nature of material to be deposited or removed, and the procedures to be used;</td>
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<td>...</td>
<td>(5) Location of any septic systems or well(s), and depth(s) thereof, and any disposal system within 100 feet of area(s) to be disturbed;</td>
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<td>...</td>
<td>(6) Existing and proposed contours at two-foot intervals in all proposed disturbed areas and to a distance of 100 feet beyond; at the discretion of the approval authority, the existing elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet;</td>
</tr>
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<td>...</td>
<td>(7) Details of any drainage, diversion, detention or retention 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;</td>
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<td>...</td>
<td>(8) Erosion and sedimentation control plan, including installation details of proposed control measures, directive construction notations and a schedule for the installation and maintenance of proposed control measures;</td>
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<td>...</td>
<td>(9) Construction schedule</td>
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| ... | (10) A box area for dated approval signature by the Town Engineer, Secretary to the Planning Board and Wetland Inspector.
Mitigation Plan

All mitigation plans shall be based on the following order of preference:

(1) Minimization of impacts and disturbance to wetlands, watercourses and adjacent (buffer) areas, in that order.
(2) Preservation of remaining wetlands, watercourses and adjacent (buffer) areas through the dedication and establishment of perpetual conservation easements, development restriction areas, or equivalent.
(3) Rectification by repairing or restoring existing damaged wetlands, watercourses or adjacent (buffer) areas, including enhancement thereto.

(1) For disturbance in a wetland/watercourse or buffer:

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<tr>
<td>...</td>
<td>a. Implementation of preventative practices to protect the natural condition and functions of the wetland, watercourse; and/or</td>
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<td>...</td>
<td>b. Restoration or enhancement (e.g., improving the density and diversity of native woody plant species) of remaining or other upland buffer to offset the impacts to the original buffer.</td>
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<tr>
<td>...</td>
<td>c. Plantings: source of stock, procedures for transplanting/seeding the stock, area(s) to be planted, and planting schedule. If vegetation from the wild is to be used, identify the source and measures to prevent introduction of undesirable exotics.</td>
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(2) For disturbance in a wetland:

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<tr>
<td>...</td>
<td>a. Restoration of areas of significantly disturbed or degraded wetlands at a ratio of at least 1.5 (restored wetland) to 1.0 (impacted wetland) by reclaiming significantly disturbed or degraded wetland to bring back one or more of the functions that have been partially or completely lost by such actions as draining or filling, provided the area of proposed mitigation occurs in a confirmed disturbed or degraded wetland having significantly lesser functional values as a result of disturbance or degradation; and/or</td>
</tr>
<tr>
<td>...</td>
<td>b. The in-kind replacement of impacted wetland by the construction of new wetland, usually by flooding or excavating lands that were not previously occupied by a wetland, that recreates as nearly as possible the original wetland in terms of type, functions, geographic location and setting, and that is larger than, by a ratio of at least 1.5 to 1.0, the original wetland.</td>
</tr>
<tr>
<td>...</td>
<td>c. Plantings: source of stock, procedures for transplanting/seeding the stock, area(s) to be planted, and planting schedule. If vegetation from the wild is to be used, identify the source and measures to prevent introduction of undesirable exotics.</td>
</tr>
<tr>
<td>...</td>
<td>d. Plans for monitoring site during and after construction, including methods and schedule for data collection and provisions for mid-course corrections</td>
</tr>
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</table>
AFFIDAVIT OF OWNERSHIP

State of New York )ss.
County of Westchester)

[Signature]

being duly sworn, deposes and says that (s)he resides at
109 Highland Rd in the Town of Greenburgh in the County
of Westchester in the State of New York that (s)he is the
owner in fee of all that piece or parcel of land situated and lying in the Town of Greenburgh
aforesaid and known and designated Parcel ID: 8.460-318-11 and that
(s)he hereby authorizes Amanda Linhart, All Design Architecture LLC to make
application in his/her (its) behalf and that the statement of facts contained in said application is true.

******************************************************************************************

Signature of Owner

Sworn to me before this 9th Day of July 2019

Notary Public
TOWN OF GREENBURGH
DISCLOSURE FORM TO ACCOMPANY CERTAIN APPLICATIONS*

1. This form relates to property located within the Town of Greenburgh. The street address of the property which is the subject of this application is:

109 Highland Rd, Scarsdale NY 10583

Name of Applicant: Jeffrey Jee

Address of Applicant: 109 Highland Rd, Scarsdale, NY 10583

Date(s) of Application(s): 7/9/19

Type(s) of Application(s): Watercourse Permit

Project Name: ________________________________

2. Name and address of Owner(s) if different from Applicant: N/A

3. Do any officers or employees of the State of New York, County of Westchester, Town of Greenburgh and/or Town of Greenburgh Agency have an interest** in the applicant or owner of the property? NO

If the answer is “yes”, please identify the person(s) by name, residence and the nature of extend of such interest.

4. If the application is for a project involving site plan approval of five acres or more and/or for a change of zoning, and either or both the applicant or the owner, if different from the applicant, is not an individual or individuals, list the owners and officers of the corporation, limited liability corporation, partnership or other legal entity.

Name of Applicant Legal Entity: N/A

Name(s) and Addresses of Applicant Owners*** and Officers:

N/A

*Every application, petition, or request submitted for a variance, amendment, change of zoning, site plan approval, approval of plat, exemption from a plat or official map, license, special permit or permit pursuant to the provisions of any ordinances, local law or rule constituting the zoning and planning of the Town of Greenburgh.

**For the purpose of this paragraph, an officer or employee shall be deemed to have an interest in an applicant when s/he, his or her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them (a) is the applicant or (b) is an officer, director, partner of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such applicant, express or implied, whereby he or she may receive payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
***With respect to any corporation traded on the New York, American or other stock exchange, any person who is the owner of more than 5% of the outstanding shares of stock or any class of such a corporation, and with respect to other than a publicly traded corporation, a limited liability company or other legal entity, any person who is an owner of more than 2% of the equity of such legal entity.

Name of Applicant: Jeffrey Jee

Signature: [Signature]

Date: 7/9/19
WETLAND/WATERCOURSE PERMIT APPLICATION FORM

Wetland/Watercourse Permit Application Fee: $100  Please make check payable to “Town of Greenburgh”  
Please note that an escrow fee may be applicable if there is proposed work in a Wetland/Watercourse or Adjacent Buffer Area

1) Owner:

Name:  Jeffrey Jee  
Street: PO Box 764  
City:  Hartsdale  
State: NY  
Zip:  10530  
Telephone:  914-882-3620  
Fax:  
Email:  jeebops@gmail.com

2) Applicant:

Name:  Jeffrey Jee  
Street: PO Box 764  
City:  Hartsdale  
State: NY  
Zip:  10530  
Telephone:  914-882-3620  
Fax:  
Email:  jeebops@gmail.com

3) Subject Property:

Name or other identification of site (street address): 109 Highland Rd, Scarsdale, NY 10583  
Situated on the East side of Highland Road (Street) 125 feet from the intersection of Greenville Road (Street)  
Zoning District: R-7.5  
Parcel ID#: 8.460-318-11  
Total site area (sq. ft): 16382

4) Project Information: (A narrative description of the proposed regulated activity or use)

A) Please describe in detail, the proposed work on the property? (If more room is needed please submit on a separate sheet)

Legalize the removal of the old damaged foundation and construction of the new foundation and associated single family residence with related improvements. Improvements include unfinished basement storage space underneath the existing footprint, expanded garage and related proportionate driveway. Additional improvement to include an approximately 10 foot wide vegetated strip off of the house side of the watercourse.

The watercourse is described as a “Minor tributary to the Grass Sprain Brook”. It is roughly 2 feet wide, 12” deep, and travels in a north westerly direction on the northern edge of the property. It primarily carries storm water run off from adjoining properties and is piped through many sections.

B) Where on the property is the proposed action located? (If more room is needed please submit on a separate sheet)

Proposed action is located directly below the existing footprint and on the northern side of the property.
C) What is the environmental impact assessment and description of the wetland, watercourse, and/or adjacent (buffer) area proposed to be disturbed or altered? (If more room is needed please submit on a separate sheet)

The disturbance is to the adjacent buffer area, below the footprint of the home, and on the north side of the structure.

D) What is the intended purpose of the proposed activity or use and the applicant's interest in the subject property and area to be affected? (If more room is needed please submit on a separate sheet)

The applicant owns the home and is looking to legalize the site work performed already performed.

E) What is the intended purpose and extent of impact or alteration on the affected wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The intended purpose was to construct a single family residence and design an outdoor space suitable for my family to enjoy.

F) Please explain why the proposed regulated activity cannot be located at another site or location with no or less impact upon the wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

90% of the work site is contained within the buffer zone. In the design and construction of the house every attempt was made to stay within the original footprint. However, during the construction machines have been operated around a majority of the property in order to access the structure.
G) Please explain as to whether or not the proposed activity is dependent on the affected wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

It is not dependent on the watercourse or buffer area.

H) What other alternatives to the proposed activity were considered, and why was the proposal to disturb or alter the affected wetland, watercourse and/or adjacent (buffer) area chosen instead? (If more room is needed please submit on a separate sheet)

After demolition of the pre-existing home, it was discovered that the existing foundation was badly damaged. It was in poor condition and unusable. The existing garage was small and did not contain adequate space to park even a mid-size vehicle. It had been converted into a large walk in closet and used in that manner prior to us purchasing the home.

I) Please describe the mitigation measures proposed to avoid or reduce impact on the affected wetland, watercourse, and/or adjacent (buffer) area? Please include details concerning soil erosion measures and specify how the plans address the rectification by repairing or restoring existing damaged wetlands, watercourses or adjacent (buffer) areas, including enhancement thereto. (If more room is needed please submit on a separate sheet)

-Silt fencing was installed and maintained at the start of the project and remains in place
-Cultec storm water management system installed
-Machine access to the property is limited to the southern side of the property (furthest away from the watercourse)

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5) Site Characteristics:

1) Is there an existing structure located on the site: Yes ☐ No ☐

2) Proposed Starting Date: January 2018

3) Size of Activity (disturbance) Area: 574.3 (as provided for on site plan)

4) Estimated Quantity of Excavation/Fill: Excavation: 225 yards³  Import Fill: 0 yards³

5) What are the predominant soil types on the property? Topsoil & Gravely Sand Mixture

6) Approximately what percentage of the property is:
   - Well Drained: 100 % of property
   - Moderately Drained: % of property
   - Poorly Drained: % of property

7) What is the approximate depth to groundwater? N/A feet

8) Are there any trees 6-inches or greater in diameter proposed for removal as part of this work? Yes ☐ No ☐
   a) If yes, how many?

9) Does the property contain any species of plant or animal life listed as rare, threatened, or endangered by New York State, the New York State Natural Heritage Program or the United States of America?
   a) If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program or the United States.

10) Has the property ever been used for the disposal of solid waste or hazardous waste? Yes ☐ No ☐
6) Project Information:

1) Is work proposed in a (Check all that apply): Wetland □ Watercourse □ Adjacent Buffer Area □ N/A □

2) Total area of Wetland, Watercourse, and Adjacent Buffer Area on the property: 13936 sq.ft.

3) Total area of disturbance proposed in Wetland, Watercourse and Adjacent Buffer Area on the property: 574.3 sq.ft.

4) Functions provided by Wetland or Watercourse: Carries storm water runoff away from adjoining properties

5) Name and phone number of expert delineating Wetland or Watercourse: Amanda Linhart (917-796-1032)

6) Plans Prepared by: Amanda Linhart License # 033775 Dated: 6/24/19 Revised:

7) Authorizations and Certifications:

A. I/we hereby indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity outlined in Chapter 280 of the Town Code of Greenburgh.

B. I/we further certify that I/we am/are aware that it is a violation of law to obtain a wetlands permit or ruling through deception or through inaccurate or misleading information.

C. I/we hereby certify that I/we am/are familiar with the information included in this application and the requirements for a permit under §280 “Wetlands and Watercourses Law” and am/are aware that the law provides that any person who commits, takes part in, or assists in any violation of any provision of §280, 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 $2,000, nor more than $15,000, and/or a term of imprisonment of not more than 15 days.

D. I/we hereby certify that I/we am/are familiar with the permit fees and construction inspection fees for permits obtained from the Town of Greenburgh.

[(Signature of Applicant) Jeffrey Lee 7/9/19 Date]

[(Signature of Owner) Jeffrey Lee 7/9/19 Date]

Chapter 280, WETLANDS AND WATERCOURSES
§ 280-6. Authorized clearance form required
A. All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to properly determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth herewith. No permits, certificates of occupancy, or temporary certificates of occupancy may be issued without prior approval of the Planning Board for any project involving a wetland/watercourse permit,

Revised 09/18/12 AJS
June 7, 2019

Mr. Jeffrey Jee
P.O. Box 764
Hartsdale, NY 10530

Re: WCF 19-88 – 109 Highland Road, P.O. Scarsdale, NY 10583
Wetland/Watercourse Clearance Form Denial

Dear Mr. Jee:

We have reviewed the plans and supporting materials for the above referenced project which were submitted on May 27, 2019. Based on a review of the application materials, a site visit performed by the Town’s professional staff, and information the Town has on record, it appears that portions of the ground disturbance associated with this project are located within a regulated watercourse buffer area. As such, as per § 280-8 of the Town Code, this action requires that a Wetland/Watercourse Permit Application be submitted, and ultimately referred to the Town Planning Board for consideration under the Wetland/Watercourse Ordinance. In addition, there may be other permits and/or approvals required by the Town. Please contact our Department of Buildings and our Department of Public Works (Bureau of Engineering) for more information.

In order for review of this project as proposed to proceed, you must submit a completed Wetland/Watercourse Permit Application Form in triplicate, the permit application fee of $500.00, a separate public hearing notice escrow fee of $200.00, a separate public hearing transcript escrow fee of $200.00, a separate professional review escrow fee of $500.00, as well as any related background information, and a full project narrative. Please ensure that these application materials, when complete, contain all of the information required by § 280-8 (C) of the Wetland/Watercourse Law, as outlined below:

C. Wetland/Watercourse permit application contents. No regulated activity shall be conducted without the issuance of a written permit from the approval authority. Sixteen copies of the application for a permit together with a filing fee and escrow deposit shall be made to the Secretary to the Planning Board on forms furnished by the Town before any activity is conducted and must include the following items:

(1) Name, address and telephone number of the applicant and/or owner. (If the applicant is not the owner, the affidavit of the owner must be attached.)
(2) Street address and tax map designation of the property, along with an accurate certified property and land survey.
(3) Statement of proposed work and purpose thereof, and an explanation why the proposed activity cannot be located at another site, including an explanation of how the proposed activity is dependent on wetlands, watercourses or other water resource(s).
(4) A list of the names and addresses of property owners, along with tax map identification addresses, of properties within 500 feet of the boundaries of the property that is the subject of this application. The list must include the names and addresses of the owners of record of lands adjacent to the wetland or watercourse and wetland/watercourse buffer in which the project is to be undertaken which relate...
(9) Details of erosion and sediment control practices, including a diagram showing what and where erosion and sediment controls practices will be implemented and a schedule for their installation and maintenance.

(10) Wetland/Watercourse delineation map showing the certified boundaries of all wetlands, watercourses and wetland and watercourse buffers as defined herein and as certified by a qualified wetland scientist within 12 months prior to the date of filing the application. The delineation limits of all wetlands and watercourses shall be subject to field verification and acceptance by the Planning Board and its authorized agents.

(11) Wetland/Watercourse delineation report and assessment prepared by a qualified wetland scientist as defined by this chapter, which shall include identification, description and assessment of the following:

(a) The vegetative cover of the regulated area, including dominant species, and hydrophytic vegetation;

(b) On-site soil types, including groundwater table elevations showing depth to water table and direction of flow and hydrologic connections with surface water features;

(c) Wetland/Watercourse hydrology;

(d) Wetland/Watercourse and adjacent (buffer) area functions and benefits; and

(e) Site flora and fauna, including upland and hydrophytic vegetation with their wetland classified status (FAC, FACW, FACU, UPL) and dominant woody and herbaceous species.

(12) A narrative description of the proposed regulated activity or use, including location of subject property and area to be affected; environmental impact assessment and description of the wetland, watercourse and/or adjacent (buffer) area proposed to be disturbed or altered; intended purpose of the proposed activity or use and the applicant's interest in the subject property and area to be affected; intended purpose and extent of impact or alteration on the affected wetland, watercourse and/or adjacent (buffer) area; explanation of why the proposed regulated activity cannot be located at another site or location with no or less impact upon wetland, watercourse and/or adjacent (buffer) area; explanation as to whether or not the proposed activity is dependent on the affected wetland, watercourse and/or adjacent (buffer) area; the alternatives to the proposed activity considered, and why the proposal to disturb or alter the affected wetland, watercourse and/or adjacent (buffer) area was chosen instead; and the mitigation measures proposed to avoid or reduce impact on the affected wetland, watercourse and/or adjacent (buffer) area.

(13) A complete and accurate long-form environmental assessment form (EAF) in accordance with the procedures of the State Environmental Quality Review Act.

(14) The approval authority may require additional information as needed such as the study of flood, erosion, or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards, and other information deemed necessary to evaluate the proposed use in terms of the goals and standards of this chapter.

(15) An application fee and engineering and inspection/monitoring fees shall be charged according to the schedule established by the Town of Greenburgh Town Board. Necessary escrow funds shall be deposited with the Town from time to time as necessary to cover costs for technical assistance and monitoring when the Planning Board deems necessary. The applicant shall be notified of the expenses and shall deposit said necessary funds prior to the cost being incurred.

(16) A statement that the property owner and applicant will indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity for the purposes of this chapter.

Please be aware that, upon a successful preliminary review of your application materials, the Planning Board will schedule a public hearing regarding this Wetland/Watercourse Permit Application. Prior to the public hearing, you will be required to comply with the remainder of the notification obligations of in § 280-8. (F), as referenced
(3) The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage, storm barriers, shoreline protection, and water quality;

(4) The potential effect of flooding, erosion, hurricane winds, soil limitations, and other hazards, and possible losses to the applicant and subsequent purchasers of the land;

(5) The adequacy of water supply and waste disposal for the proposed use;

(6) Consistency with federal, state, county and Town comprehensive land use plans, and regulations;

(7) The availability of preferable or environmentally compatible alternative locations on the subject parcel; and

(8) The demonstration by the applicant that any direct and indirect impact(s) are necessary and unavoidable and have been minimized to the maximum extent practicable for the purposes of this chapter. Wetland, watercourse and adjacent (buffer) area impacts will be deemed necessary and unavoidable only if the applicant satisfies all of the following criteria as determined by the Planning Board:

(a) The proposed activity is compatible with the public health and welfare.

(b) There is no reasonably feasible on-site alternative to the proposed activity, in the judgment of the Planning Board, including reduction in density, change in use, revision of road and lot layout, revision in the location of buildings, structures, driveways and other site construction and land-altering activities and/or related site planning considerations, that could otherwise reasonably accomplish the applicant’s objectives.

(c) There is no reasonably feasible alternative to the proposed activity on another site or site location that is not a wetland, watercourse or adjacent (buffer) area as defined herein.

It is strongly suggested that you set up a meeting or submit the application and related materials to our office electronically, to have the application materials reviewed by Town Staff prior to submission. If you have any questions, or require further information, please call the Department of Community Development and Conservation at (914) 989-1530.

Sincerely,

[Signature]

Aaron J. Schmidt
Town Wetlands Inspector

AJS:

cc: David Fried, 1st Deputy Town Attorney
Kenneth Ciocci, Town Engineer
Amanda Linhart, RA, 55 Fremont Road, Sleepy Hollow NY 10591
WETLAND/WATERCOURSE CLEARANCE FORM

For a complete submission, please submit the following: (INCOMPLETE SUBMISSIONS WILL BE RETURNED)

- Three (3) copies of this Wetland/Watercourse Clearance Form;
- Three (3) copies of a Site Plan identifying the area of proposed work, and a delineation of the disturbed area for the proposed project. The disturbed area should include any and all disturbance during construction, not just the final footprint;
- Initial Fee: $100.00  Subsequent Review Fee: $50  Please make check payable to Town of Greenburgh

I) Owner Information

Name: Jeffrey Jee  Street: PO Box 764
City: Hartsdale  State: NY  Zip: 10530
Telephone:  Cell Phone: 914-882-3620  Fax:  Email: Jeebops@Gmail

II) Applicant Information

Name: Jeffrey Jee  Street: PO Box 764
City: Hartsdale  State: NY  Zip: 10530
Telephone:  Cell Phone: 914-882-3620  Fax:  Email: Jeebops@Gmail

III) Subject Property

1) Name or other identification of site (street address): 109 Highland Rd, Scarsdale NY 10583
2) Situated on the east side of Highland Rd (Street) 125 feet from the intersection of Grinnell Rd (Street)
3) Parcel ID#: 01-410-031-B-11  Zoning District: 2-1.5  Total site area (sq. ft): 11,832
4) Is there an existing structure(s) (i.e. home or building) located on the site: Yes ☐ No ☑ Year(s) built: 1975

IV) Approval(s)

1) Type of Approval(s) Sought: New Construction 2018

V) Proposed Action

1) Description of Proposed Action: Legitimate Removal of Old Foundation and Construction of New Foundation and Associated Single Family Residence with Related Improvements

2) If the subject property is located within either of the following, please indicate. (Please check box)
   - Critical Environmental Area: Yes ☐ No ☑
   - Conservation District: Yes ☐ No ☑

3) Are there any rights-of-way, easements, restrictive covenants or conditions of approval which encumber the property? If so, please indicate the nature of these restrictions and supply three (3) copies of the legal instrument (i.e. deed, covenant, conservation easement, approval letter, etc.) which created this restriction.
   -- ND

4) Have any wetland/watercourse clearance forms or permit applications been made with respect to this property under Chapter 280 of the Greenburgh Town Code? If so, please give the date, name and case number of such application.
   -- 11/13/2017  WCF 17-190

5) Does this project, as proposed, meet all the recommended wetland and watercourse setbacks set forth in Chapter 280 of the Town Code? If not, identify those aspects of the project that do not meet recommended setbacks and state the proposed setback. (If more room is needed please submit on a separate sheet)
   -- Within 100' Setback of grassy Speaker Brook

6) Has a wetlands permit or a letter of non-jurisdiction been obtained from the New York State Department of Environmental Conservation for this project? Yes ☐ No ☑ If so, please provide a copy.
VI) Site Characteristics

1) Is there an existing structure located on the site? Yes X No □

2) Proposed Starting Date: Jan 2018

3) Square Footage of Disturbed Area: 574.3 Total Value of Work: 375,000.00
   (as provided for on Site Plan)

4) Estimated Quantity of Excavation/Fill: Excavation: 225 yards³ Imported Fill: □ yards³
   a) If yes, how many?

5) What are the predominant soil types on the property? Topsoil, Gravelly Sand Mixture
   Well Drained 100% of property
   Moderately Drained □% of property
   Poorly Drained □% of property

7) What is the approximate depth to groundwater? NA feet

8) Are there any trees 6-inches or greater in diameter proposed for removal as part of this work? Yes □ No X

9) Does the property contain any species of plant or animal life listed as rare, threatened or endangered by New York State, the New York State Natural Heritage Program or the United States of America?
   a) If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program or the United States.

10) Has the property ever been used for the disposal of solid waste or hazardous waste? Yes □ No X

VII) Project Information

1) Is work proposed in a (Check all that apply): Wetland □ Watercourse □ Adjacent Buffer Area X N/A □

2) Total area of Wetland, Watercourse, and adjacent Buffer Area on the property: 139.3 sq.ft. Stream = 392 sq ft

3) Total area of disturbance proposed in Wetland, Watercourse and adjacent Buffer Area on the property: 574.3 sq.ft.

4) Functions provided by Watercourse: Drainage (Grassy, Upstream, Brook)

5) Name and phone number of expert delineating Wetland or Watercourse: Amanda Linhart 917-990-1032

6) Plans Prepared by: Amanda Linhart License # 037715 Dated: 11/13/17 Revised:

VIII) Authorizations and Certifications

I/we hereby indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity outlined in Chapter 280 of the Town Code of Greenburgh.

I/we hereby are aware that false or misleading statements or information provided on the clearance form or to the approval authority shall result in the invalidation of any authorization. The applicant shall be subject to the penalties and sanctions set forth in this chapter for any activities conducted which would have otherwise required a wetland/watercourse activity permit.

Signature of Applicant

Print Applicant's Name

Signature of Owner

Print Owner's Name

Date

Date

NOTE: The completion of this Wetland/Watercourse Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.

Additional fees including an escrow fee may be applicable if there is proposed work in a Wetland/Watercourse or Adjacent Buffer Area.

Chapter 280, WETLANDS AND WATERCOURSES

§ 280-6. Authorized clearance form required

A. All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to property determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth here in. No permits, certificates of occupancy, or temporary certificates of occupancy may be issued without prior approval of the Planning Board for any project involving a wetland/watercourse permit.