



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT, TOWN ENGINEER AND HES

April 13, 2023

APPLICATION NUMBER - NAME

#19-010 – Gentile
Site Plan Approval

SBL

108.03-3-54

MEETING DATE

April 24, 2023

PROPERTY ADDRESS/LOCATION

9 Barnard Road

BRIEF SUMMARY OF REQUEST

51,406 sq.ft. property located in the R-1A Zoning District.

Planning Board site plan submission that proposes the legalization of the existing wall, fill, grading and tree removal at the front westerly side of property and legalization of the frame shed on the easterly side of the property.

This property was referred for Planning Board site plan approval by the RPRC.



PENDING ACTION:

Plan Review

Town Board Referral

Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1A One-Family Residence District (1 acre)	Existing Single-family home	Residential	Wall, Shed, Tree Removal	1.18 acres

PROPERTY HISTORY

Existing Single Family Home

2019 – Summons Issued by the Building Department:

- Constructed a retaining wall along the front right of the property, extending from the front of the property to the rear of the property, roughly 342 feet long, ranging in height from 2 feet at some points to almost 9 feet at other points. The property owner has raised the entire grade to match the height of the retaining wall.
- Located at the right side and rear of the property, a berm has been created roughly 220 feet long by 15 feet wide by 4 feet high with trees planted on top.
- The total of all areas of land that has been disturbed is between 5000- 6000 square feet.
- At the rear left of the property, an addition to the existing shed has been created.
- At the front right of the property, in the driveway, a drain has been installed with a pipe that runs underground, exiting near the property line which is directing the water into the neighboring properties of 11 and 13 Barnard Road causing erosion and flooding issues at the rear of their properties.

COMPATIBILITY with the COMPREHENSIVE PLAN

- Continue to take neighborhood context into account in approving new single-family homes.
- Continue to protect natural resources and environmentally sensitive areas such as rivers, streams, lakes, ponds, wetlands, flood plains, aquifers, wildlife habitats, steep slopes and forested areas, significant trees, and woodlands, among others, from unnecessary and avoidable impacts.
- Continue strong protection of tree cover through the tree removal permitting process.
- Preserve the current overall development pattern of North Castle and its neighborhoods. Be sure new development responds to environmental constraints, particularly for preservation of the New York City watershed.
- Maintain the quality-of-life created by physical and natural attributes, by structuring development that promotes sound conservation measures.
- The Town should encourage residential development that is compatible in scale, density, and character with its neighborhood and natural environment.

Staff Recommendations

1. The Applicant should be directed to address all outstanding staff and consultant's comments.
2. The Planning Board will need to determine whether the project is compatible with the Comprehensive Plan.

Procedural Comments

1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).
2. A neighbor notification meeting will need to be scheduled.

General Comments

1. The applicant imported an unknown quantity of fill to regrade the property without prior approval. The reported amount of fill has varied over the course of review of the application and the current 300 cy estimate appears to be low given observations made from photos of the property taken over the past several years. The applicant shall clarify for the Planning Board the total estimated quantity of fill imported to the site for all areas of apparent disturbance. This includes the area of the front and side yards to construct the retaining wall and the construction of the earthen berm along the eastern property line. In addition, based on a prior field visit attended by the Town Consulting Engineer and the Building Inspector during the application process, it appears that fill was also imported to regrade the rear yard and area of the existing septic field. This assumption was supported by review of available Westchester County GIS data and the buried "feet" of existing trees in the rear yard. In order to confirm these extents, we recommend that the applicant excavate test pits, to be witnessed by the Town Consulting Engineer and the Town's Environmental Consultant, HydroEnvironmental Solutions, Inc. (HES).

In order for the Planning Board to better understand the extent of imported fill, the applicant shall provide a plan that includes the test pit data referenced above and an overlay map of the current surveyed topography with the available Westchester County GIS topography prior to fill importation. A cut and fill calculation shall then be prepared by a NYS licensed engineer comparing pre-existing to current conditions.

2. The property is served by an on-site wastewater treatment system. The plan shall illustrate the location of the existing septic field and tank(s) based on available Westchester County Department of Health (WCHD) as-builts and record data. It is assumed that the imported fill material and regrading activities that occurred at the rear of the property was also placed above the existing septic field, potentially compromising its function. The applicant will be required to provide a determination, confirmed by the WCHD, that the septic system continues to operate as intended. Any upgrades or modifications that may become necessary will need to be illustrated on the plan and approved by the Westchester County Health Department.
3. The applicant has provided required separation distance between the well and a proposed stormwater treatment system. The applicant should show the location of the septic system and the ability to maintain the WCHD separation between the infiltration system and the existing septic system.
4. The plan proposes an infiltration system to collect and mitigate stormwater runoff generated from the existing residence and shed. The existing roof leader connection that discharges off site is proposed to be removed. The Town Consulting Engineer previously witnessed soil testing in the vicinity of the practice to demonstrate that suitable soils exist. It was noted, however, that the depth to rock, as noted on the plan, is approximately five (5) feet below existing grade. As such, it does not appear that the required 3 ft minimum separation above known bedrock will be provided by the design. The infiltration system layout shall be adjusted accordingly. It was also recommended that an additional inspection port be shown on the unit to which the storm piping is connected.

Staff Notes

The applicant shall continue to work with HES to demonstrate compliance with Chapter 161, Filling and Grading of the Town Code, specifically as it relates to the soil source, import quantity and compliance with 6 NYCRR part 360 for unrestricted use soil cleanup objectives (SCOs). The applicant will be required to complete additional soil sampling and testing after an accurate importation volume is provided in accordance with New York State Department of Environmental Conservation (NYSDEC) protocol and under the supervision of the Town's consultant. We will defer comment related to soil testing and certification to HES after the imported fill volume has been confirmed, and proper fill importation soil sampling protocols are followed.

5. The plan proposes to remove the existing drain inlet located within the driveway, which currently discharges to the adjoining property. The plan, however, does not illustrate how runoff from the driveway will be collected or conveyed. Without the inlet, it appears that stormwater runoff will continue to sheet flow toward the adjoining property. The applicant should review this layout and consider an alternative approach to collect and mitigate this flow. We note that should this drain inlet be connected to the infiltration system, the WCHD minimum required setback to a drilled well is 100 feet.
6. The Planning Board will need to approve a tree removal permit associated with the fill brought onto the site and retaining wall construction. The Applicant should quantify the number and type of trees removed without a permit.
7. The Planning Board will need to evaluate the current wall location and the proposed landscape plan. The Board can permit the existing wall to remain in conjunction with the submitted landscape plan, require a tiered wall along the common property line or require the removal of the wall and restoration of the slope between the two properties.
8. At the August 9, 2021 Planning Board meeting, the Applicant was directed to revise the site plan to remove the existing wall located in the right-of-way.
9. The application has been amended to now include the legalization of an existing shed. The previously submitted gross floor area worksheet and backup data do not equate. The worksheet and backup exhibit should be corrected (does not appear to include accessory buildings). The shed elevations should be revised to demonstrate that the shed is less than 15 feet in height (average grade to roof midpoint).



