


MEMORANDUM

TO: North Castle Planning Board

CC: Adam Kaufman, AICP
Stephen Anderson, Gabriel E. Senior, P.C.
Joseph Gentile

FROM: John Kellard, P.E. 
Kellard Sessions Consulting
Consulting Town Engineers

DATE: July 7, 2023

RE: Joseph Gentile
9 Barnard Road
Section 108.03, Block 3, Lot 54

I am writing to clarify for the Planning Board certain points which are pertinent to the imported fill at the referenced property.

The North Castle Building Department in 2019 requested the applicant to sample the fill which was imported to the site without a Fill Permit or Site Plan Approval. On January 2, 2020, Steve Anderson from Gabriel E. Senior, P.C., contacted Joe Cermele regarding testing criteria to use for soil sampling at the project site. On January 3, 2020, Joe Cermele emailed Steve referring him to Section 161 – Filling and Grading, within the Town Code and NYS 6 NYCRR Part 360 Regulations, which is referenced within the Town Code. Joe cautioned Steve that the New York State Department of Environmental Conservation (NYSDEC) regulations have a testing protocol which is based on the quantity of fill. He also explained since the volume of fill is unknown, he would likely need to perform test pits to delineate the volume of fill.

Nine (9) months later on September 15, 2020, Steven Sicignano, an inspector within our office, was contacted by the applicant's professionals to witness the sampling of fill on-site. Steven was on-site when the sample was taken by Charles Copple. Steven was not on-site to conduct the test or provide advice on the testing procedures. Steven did witness Mr. Copple obtaining a sample from throughout a single test pit which was 62 inches deep and located within the front yard.

I have attached Joe Cermele's January 3, 2020 email to Steve Anderson and Steven Sicignano's log and picture of the sample obtained by Charles Copple. I believe it is clear from Joe Cermele's email that he informed the applicant's professionals of the regulations to be followed per the Town Code.

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The applicant's engineer has prepared a cut and fill analysis for the property, dated April 14, 2023. The analysis reflects 442.26 c.y. of cut and 1,090.83 c.y. of fill for a net import of fill of 648.57 c.y. The applicant's engineer used topographical information from photogrammetry, dated April 17, 2008. Fill was placed within the northwestern portion of the property between the existing residence and Barnard Road. Fill was also placed within the eastern portion of the site where a landscaped berm was located along the neighboring property line. The area of fill depicted on the cut-fill plan seems to match closely with the area of disturbance reflected on the 2018 aerial photo of the property found on the Westchester County GIS website. Based on review of aerial photos of the property in 2016 and 2018, it is evident that the landscaped berm along the eastern property line was installed between 2016 and 2018. The cut-fill analysis, prepared by Gabriel E. Senior, P.C. appears to be as accurate as can be expected from the information available.

The applicant stated at the previous Planning Board Meeting that the imported fill came from the excavation for an addition at 2 Barnard Road. A review of the Site Plan Approval for 2 Barnard Road reflects approximately 200 c.y. resulting from the excavation, which would leave approximately 450 c.y. of imported fill from other unknown sources.

JK/dc

John Kellard

From: Joe Cermele
Sent: Friday, January 3, 2020 11:14 AM
To: Steve Anderson @ Gabriel E. Senior PC
Cc: Danielle Cinguina; Robert Melillo
Subject: RE: 9 Barnard Road.

Steve,

You can call Danielle at the office to schedule the testing directly.

With regard to the soil testing, you will need to perform all soil sampling and testing necessary (by a NYS Certified Testing Lab) to certify that the fill delivered is in compliance with 6 NYCRR, Part 360 as required by Section 161-1, Filling and Grading of the Town Code. DEC regulations specify testing protocol based on the quantity of fill or area covered. Because the Town does not know the exact volume or area of fill placement in the front and rear yards, you will likely need to perform test pits at various locations to delineate the extents. I've copied Rob for any additional comment or requirements.

Thank you.

JOSEPH M. CERMELE, P.E., CFM
Principal



From: Steve Anderson @ Gabriel E. Senior PC <steve@gabrielesenorpc.com>
Sent: Thursday, January 2, 2020 9:55 AM
To: Joe Cermele <jcermele@kelses.com>
Subject: 9 Barnard Road.

I would like to make arrangements for a deep test pit and soil percs at 9 Barnard Road. The Building Department is also requesting soil sampling to make sure the material is clean. I was wondering if you have any specific criteria on that.

Thanks and Happy New Year
Stephen Anderson
Gabriel E. Senior PC
914-422-0070

2020-09-15

With Charlie Copple

62" deep: 0-4" TS; 4"-62" Sandy Loam with boulders and cobbles.

Sample was taken from throughout test pit.

