


MEMORANDUM

TO: North Castle Planning Board

CC: North Castle Conservation Board
Adam Kaufman, AICP
Peter Gregory, P.E.
Kory Salomone, P.E.
Nazar Massouh & Pudding Pie II, LLC

FROM: Joseph M. Cermele, P.E., CFM 
Kellard Sessions Consulting
Consulting Town Engineers

DATE: June 10, 2021

RE: Nazar Massouh & Pudding Pie II, LLC
8 Cole Drive & 24 Davis Drive
Section 94.02, Block 1, Lots 8 & 9

As requested, Kellard Sessions Consulting has reviewed the plans and supporting documents submitted in conjunction with the above-referenced project. The applicant is proposing to reapportion two (2) existing, developed lots by shifting the common lot line between 8 Cole Drive (currently 5.9 acres) and 24 Davis Drive (currently 10.7 acres) resulting in two (2) lots approximately 8.8 acres and 7.8 acres, respectively. The proposed lot line change will provide sufficient area for the proposed future redevelopment of the existing, single-family home and dedicated gymnastic training area, as well as a future inground pool and cabana at 8 Cole Drive. In addition to the lot line change, the applicant is proposing a realignment of the existing driveway that serves 24 Davis Drive. Doing so would remove any portion of the existing driveway from the proposed reconfiguration of 8 Cole Drive. The total area of the properties is ± 16.60 acres in size and located in the R-2A, One-Family Residence Zoning District.

Prior comments from our April 9, 2021 memorandum are outlined below with the most current comment provided in **bold** font:

GENERAL COMMENTS

1. To accommodate the lot line change and future development of 8 Cole Drive, the plan proposes to remove and realign a significant portion of the existing driveway serving 24 Davis Drive. To do so,

however, the plan proposes significant fill, with sections of approximately 25 feet deep, and areas of disturbance to on-site wetlands, wetland buffers and steep slopes.

The plan has been further modified to reduce impacts to wetlands, wetland buffers and steep slopes. The plan appears to reduce the quantity of fill material required for the project by importing material from the proposed development of a playroom and future pool and cabana on 8 Cole Drive. It is not clear, however, whether the fill estimate provided on the earthwork calculations on the Integrated Plot Plan account for this additional development and whether or not it includes the fill material generated from the future pool and cabana. The earthwork estimates should be updated to clarify this and not take credit for potential fill material generated by the pool and cabana if not proposed for development at this time. In addition, it appears that the majority of the cut material generated by the project will be in rock. The applicant should provide estimates of the rock to be removed, the method of rock removal and how it will be processed for used as acceptable fill material. The applicant will be required to prepare a rock removal plan in accordance with Chapter 122 – Blasting, Explosives and Chipping of the Town Code. Further, we note that the applicant no longer proposes to utilize extruded polystyrene (Geofoam Block) as an alternative means of fill.

The Comparative Analysis Chart and Earthwork Calculations have been revised to clarify that the additional fill will be generated by the proposed playroom addition only and not from the future pool or cabana. The IPP and the Site Plan for 8 Cole Drive should both include a note clearly indicating that the future development of the pool and/or cabana will require prior review and approval by the Town of North Castle.

A sequence of construction should be made part of the Stormwater Pollution Prevention Plan (SWPPP) and included on the Erosion Control Plan to clearly identify the scope of the project, the timing of the construction of the driveway improvements and playroom addition and the use of fill generated by the playroom addition.

The previously requested estimates for rock removal, removal methods and processing/crushing for use as fill material should be provided by the applicant.

In addition, the disturbance chart included on the Integrated Plot Plan should be updated to illustrate and quantify areas of Town-regulated steep slope disturbance required for the construction of the playroom, pool and cabana. We note that the plan should account for associated improvements, such as stormwater mitigation areas that are currently not shown on the plan, as well as potential modifications to the existing septic system that may be required for the playroom [yet to be determined by the Westchester County Department of Health (WCHD)].

As previously requested, the disturbance chart included on the IPP should be updated to illustrate and quantify areas of Town-regulated steep slope disturbance required for the construction of the driveway, playroom addition and associated improvements.

The Planning Board should discuss whether the amount of disturbances to steep slopes and wetland/wetland buffer areas and the amount of fill material and tree removal, required for this alternative, is appropriate for the development. If the Planning Board is amenable, at a minimum, the applicant will be required to further develop the design of the driveway, demonstrate adequate stormwater collection, conveyance and mitigation systems, confirm the need for any upgrades to the septic system serving 8 Cole Drive, and provide construction details for the stream crossing and proper installation and compaction of the fill material.

The above noted additional engineering design components shall be provided as the project progresses.

2. As previously noted, the proposed realignment results in a shorter driveway, as compared to existing conditions, but will still exceed 700 feet in length. The plan proposes a driveway width of 12 feet and has been revised to include two (2) areas, approximately 10 feet x 28 feet, to allow for vehicles to pass. A 12 foot wide drive appears appropriate; however, the applicant should consider relocating the pull-off area at \pm STA 2+00 to the bend in the drive and adding a third area at the curve at the bottom of the drive to improve visibility. In addition, as previously recommend, the plan should be referred to the Armonk Fire Department for review for adequate emergency access.

The applicant should update the Planning Board regarding any communication with the Armonk Fire Department.

3. The plans have been revised to include a driveway profile to demonstrate compliance with Section 355-59, Driveways of the Town Zoning Code. While the maximum grade of the drive is proposed to be 12% where 14% is permitted, given the length of the drive, the applicant should confirm with the Fire Department that the grade and width is acceptable for emergency access. As the project develops, the typical cross sections and details provided should be further detailed and supplemented with typical pavement sections, construction details, sub-grade and fill compaction specifications, etc.

The applicant should update the Planning Board regarding any communication with the Armonk Fire Department. The plan should be updated with the requested fill compaction requirements.

4. As previously requested, the plans have been revised to illustrate the Town-regulated 100-foot wetland buffer, extended to the lesser of 150 feet or the entirety of the steep slope area, associated with each wetland area and watercourse that exist on both lots. As previously requested, the

applicant shall notify this office once the wetland boundaries have been established in the field with sequentially-numbered flags for verification by the Town Wetland Consultant.

On April 8, 2021, this office verified the boundaries of the locally regulated wetland, as depicted on the site plans.

5. The applicant has acknowledged that the development will require greater than one (1) acre of disturbance. As such, the applicant will be required to prepare a SWPPP to provide water quality and quantity controls, as well as an Erosion and Sediment Control Plan, in accordance with Chapter 267, Stormwater Management of the Town Code. Design calculations for the proposed stormwater conveyances shall be included. Soil testing, to be witnessed by this office, will be required to demonstrate the presence of suitable soils for the proposed practice. We note that the proposed location of the upper stormwater mitigation system does not appear to meet minimum 100 foot setback to the proposed drilled well, as required by the WCHD. In addition, the applicant will be required to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit GP-0-20-001, for Stormwater Discharge from Construction Activity. The applicant will be required to provide a draft Notice of Intent (NOI) and MS4 SWPPP Acceptance Form for review.

As previously requested, the applicant shall schedule soil testing with this office and develop a SWPPP, as required to obtain coverage under the NYSDEC General Permit. The applicant shall verify that the proposed location of the upper infiltration system complies with WCHD regulated setbacks associated with the proposed drilled well. As shown, it does not appear to meet the minimum 100 foot separation distance. Further, the SWPPP shall include stormwater mitigation required for the improvements associated with the playroom addition. This shall be included under the NYSDEC General Permit required for the overall project. Soil testing for any stormwater practices shall be witnessed by this office.

6. As required by Chapter 340, Wetlands and Watercourse Protection of the Town Code, the applicant has prepared a Wetland Mitigation Plan for consideration by the Planning Board and recommendation of approval by the Conservation Board. As previously requested, the plan shall include a summary table that quantifies the total wetland and wetland buffer area on-site, total disturbance areas within each, and total pervious and impervious cover pre- and post-development within the buffer. The plan shall demonstrate that appropriate mitigation will be provided to compensate for unavoidable wetland and wetland buffer disturbances at a ratio of not less than 2 for 1. It appears that a portion of the proposed mitigation lies within areas to be developed for the future pool and cabana. This should be considered as part of the final mitigation plan. The plan shall include requirements for long-term maintenance and monitoring of the wetland mitigation plan. This office will provide the monitoring requirements, typically recommended over a period

of five years. The Planning Board should discuss whether a mitigation planting and maintenance bond would be appropriate for the proposed plan.

As previously noted, this office will provide the requirements of the long-term wetland mitigation maintenance and monitoring to be included on the Mitigation Planting Plan. Typically, for projects of this magnitude, we would recommend a monitoring period of five (5) years. The Planning Board should confirm whether a wetland mitigation planting and maintenance bond would be appropriate for the proposed plan.

7. The plan appears to require the removal of 59 Town-regulated trees. As previously requested, the plan shall include a listing, in tabular format, of all trees proposed to be removed, their size and species. All trees to remain shall be illustrated to be protected. As required by Chapter 308, Trees of the Town Code, the applicant should prepare a Tree Preservation and Landscaping Plan for consideration by the Planning Board. The Planning Board should discuss whether the proposed amount of tree removal is appropriate for the project.

The applicant has provided a Tree Removal Plan for 24 Davis Drive, which indicates the removal of 67 Town regulated trees, two (2) of which are defined as significant trees. The Erosion Control Plan should be revised to illustrate all trees within and 10 feet beyond the limit of disturbance to be removed or protected. The Mitigation Planting Plan and Tree Removal Plan shall be coordinated with the IPP and Erosion Control Plan, specifically in regards to the location of the proposed stormwater mitigation systems and any tree removal that may be required.

The site plans for the playroom addition on 8 Cole Drive shall be revised to illustrate all Town regulated trees to be removed and protected within the disturbance limits. It appears that at least five (5) trees, three (3) of which are significant (including a 42 inch Oak) will require removal.

8. As previously requested, the applicant will be required to demonstrate compliance with Chapter 161, Filling and Grading of the Town Code, specifically as it relates to the import of fill material. As further defined in Section 161-1, soil manifest reports will be required to identify the source and supplier of the fill, as well as certification by third party inspectors that the fill material is in full compliance with 6 NYCRR, Part 360. Notes to this effect will be required to be included on the plans.

The previously requested notes shall be included on the plans.

9. The applicant had previously submitted a Preliminary Plat for review illustrating the proposed lot line realignment. As required by the Town Code, the net lot area had been calculated, accounting for deductions for wetland area (75%) and steep slopes (50%), to demonstrate that adequate lot

area will result for both lots. As previously noted, the following comments, with regard to the calculations, will need to be addressed prior to acceptance of the Plat:

- a. The site includes locally-regulated wetlands and watercourses. The plan illustrates a wetland limit flagged in May 2020. The wetland boundaries shall be established in the field with sequentially-numbered flags for verification by the Town Wetland Consultant. Once confirmed, any adjustments to the boundary that may become necessary shall be made, and the resulting net lot area calculations adjusted accordingly. Contact this office to inspect the wetland line once the delineation has been established.

On April 8, 2021, this office verified the boundaries of the locally regulated wetland, as depicted on the site plans.

- b. The Preliminary Plat shall be revised to illustrate existing topography and illustrate and quantify areas of Town-regulated steep slopes (similar to that shown on the IPP) to support the area deductions proposed.

This has been satisfied.

- c. The total combined area of wetlands and steep slopes provided in the Bulk Zoning Table, for existing and proposed conditions, differ and should be verified. While it is not expected to significantly affect the net lot area, these revisions should be made for consistency.

This has been satisfied.

- d. The existing private drilled wells for each lot appear to be shown on the Plat but shall be labeled for clarity.

The existing/proposed drilled wells have been identified; however, setback requirements for the proposed well on 24 Davis Drive do not appear to meet WCHD requirements.

10. **As previously noted, the applicant will be required to obtain approval from the WCHD for the proposed private drilled well serving 24 Davis Drive.**
11. **The plan for 24 Davis Drive shall illustrate the modifications required at the top of the drive to maintain circulation and access to the existing garage. Limits of removals of the existing drive shall be clearly illustrated.**
12. **The Mitigation Planting Plan shall differentiate between the exiting and proposed deciduous tree planting. As shown, similar symbols appear to be used for both.**

- 13. The footprint of the playroom addition shown on the engineering plans shall be coordinated with the architectural drawings. As shown on the Site Plan, it appears that the addition is located partially within the required yard setback, necessitating an area variance. The playroom location should be adjusted to eliminate this.**
- 14. As noted above, the plans for 8 Cole Drive shall include provisions for stormwater mitigation associated with the playroom addition.**

As additional information becomes available, we will continue our review. It is noted that an itemized response to all comments will facilitate completeness and efficiency of review.

PLANS REVIEWED, PREPARED BY PROVIDENT DESIGN ENGINEERING, DATED MAY 28, 2021:

- Site Plan (C-100)
- Detail Sheet (D-101)
- Existing Conditions Plan (C-100)
- Preliminary Plat (C-101)
- Integrated Plot Plan (C-102)
- Driveway Profile & Cross Sections (C-201)
- Erosion Control Plan (C-301)
- Details (D-101)

PLANS REVIEWED, PREPARED BY IQ LANDSCAPE ARCHITECTS:

- Planting Plan (L-1), dated April 21, 2021
- Mitigation Planting Plan (L-1), dated March 22, 2021
- Details (L-2), dated March 22, 2021
- Tree Removal Plan (L-3), dated April 28, 2021

JMC/dc