

MEMORANDUM

TO: North Castle Planning Board

CC: Adam Kaufman, AICP
James Ryan, RLA
Rick Bohlander, P.E.
Ana Pereira

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



DATE: November 22, 2022

RE: Ana Pereira
4 Tripp Lane
Section 108.02, Block 1, Lot 10

As requested, Kellard Sessions Consulting has reviewed the site plans and application submitted in conjunction with the above-referenced project. The applicant is seeking to legalize various activities completed by the property owner without obtaining the required Town approvals/permits. The Building Department has issued several Notices of Violations and Stop Work Orders for the activities, which include construction of a rear addition, cabana, and shed, driveway construction, tree removal over approximately 3/4 of an acre, import of fill material, installation of driveway gates and piers, construction of retaining walls and fence, and construction of a basketball court. The ±2.06 s.f. property is located in the R-2A Zoning District.

The comments below reflect the original review comments from the October 9, 2020 memorandum and the revised comments are outlined below in **bold**.

GENERAL COMMENTS

1. The applicant has provided a Gross Land Coverage Plan to demonstrate compliance with the maximum permitted gross land coverage for the zoning district. The plan indicates the removal of an existing sport court and a portion of the existing drive, both completed without permits, to reduce the land coverage, as necessary, to comply. We note, however, that the plan appears to require the addition of two areas of existing coverage, currently not accounted for; (1) the northernmost portion of the Boulder wall along the eastern property line appears to exceed 4 feet

in height, and (2) the plan makes reference to a concrete patio north of the shed building. Although not shown on the plan, based on review of available Westchester County aerial mapping, the patio appears to exist. The plan shall be revised to include these additional coverage areas and the calculations adjusted accordingly so a determination can be made as to whether the total allowable coverage has been exceeded.

It is noted that the applicant has included all portions of the boulder wall greater than four (4) feet in height into the coverage calculations. Additionally, the applicant has provided photo of the previously existing concrete patio north of the existing shed. The square footage of the existing shed should be provided to determine if it will be considered an accessory structure for zoning compliance.

2. The applicant will need to demonstrate to the Planning Board the levels of disturbances associated with the tree removal, filling and grading, construction of additional structures, walks, walls, patios, etc. This office will require an engineered site plan and comparative plan analysis using available historical Westchester County aerial mapping and GIS topography. This plan shall be used as the baseline to establish the various disturbances and the associated mitigation that will be required.

It is noted that the applicant has provided engineered site plans in efforts to establish a baseline plan to compare the disturbances that have occurred to the site. Comments to the specific areas of disturbance are further addressed throughout the memo.

3. The applicant shall provide floor plans and elevations for the proposed additions to the existing residence, the pool cabana and the shed. The plans shall clarify whether any services or utilities including water, sewer and electric are provided at the cabana and / or the shed.

It is indicated on the plans that the proposed cabana has a BBQ/kitchen area. Please revisit the plans to include any services or utilities provided for these improvements.

4. The applicant will be required to provide confirmation from the Westchester County Health Department (WCHD) that the improvements and expansions to the residence and cabana do not require upgrades or modifications to the on-site wastewater treatment system.

It is noted that the applicant has begun discussions with the WCHD and that all correspondence will be provided to this office for review.

5. The plan shall illustrate and dimension all minimum required yard setbacks.

The applicant has provided zoning setback dimensions on plans. Additionally, the applicant shall provide a Bulk Zoning Table and list any variances that may be required for the accessory structures.

6. As part of an ongoing application with the adjacent property to the east, it was discovered that a locally regulated wetland exists at the rear of the site. The applicant will be required to investigate this wetland system to identify the boundary and associated 100 foot wetland buffer. Based on review of available Westchester County aerial mapping, it appears that this system is potentially connected to or continues through the subject property (prior to placement of fill) to a system on the west side of the property. The wetland boundary shall be field located and established with sequentially number flags for confirmation by the Town Wetland Consultant. Prior disturbances are likely to have occurred within the regulated buffer. If so, a local Wetland Permit will be required, and the applicant will be required to prepare a wetland mitigation plan in accordance with Chapter 340, Wetlands and Watercourse Protection of the Town Code. The plan will require referral to the Conservation Board for recommendation of approval. Please notify this office once the wetland boundary has been established in the field.

The applicant shall indicate all site and neighboring wetlands and watercourses on the pre-existing conditions plan.

7. The Wetland Mitigation Plan, if necessary, shall illustrate and quantifying the previous disturbance areas to the wetland and/or wetland buffer. 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. Mitigation shall be provided at a ratio of 2:1 minimum.

As previously mentioned, the applicant shall indicate all site and neighboring wetlands and watercourses on the pre-existing conditions plan. The plan currently indicates approximately 7,775 s.f. of disturbance within the wetland buffer. The applicant shall provide an updated wetland/wetland buffer disturbance area and required 2:1 mitigation based on the updated wetland delineation and available aerial mapping. The plan shall include a detailed mitigation table quantifying disturbances and land cover (pervious/impervious) within the wetland and wetland buffer and the mitigation provided.

8. The applicant has cleared a significant number of trees on the property. The quantity, size and species are not known. As required by Chapter 308, Trees of the Town Code, the applicant will be required to provide a tree restoration plan to mitigate the unapproved removal of existing vegetation. The Planning Board will need to determine whether the restoration plan is ultimately appropriate for the level of disturbance.

It is noted that the applicant has used a neighboring property to establish a tree sample area to base the tree mitigation calculations for the previous removal of all regulated trees. It is noted that the applicant is identifying all trees greater than eight (8) inches in diameter and all trees greater than 24 inches in diameter from the 5,000 s.f. tree sample area. The applicant has proposed tree mitigation for consideration by the Planning Board.

The applicant shall use the information gathered from the tree sample area and prorate the mitigation based on a comparison of caliper inches removed versus caliper inches provided. Please update the tree mitigation calculations as needed.

9. The applicant imported an unknown quantity of fill to regrade the rear yard. The baseline plan noted in Comment #2 above will be used as the basis for determination of the approximate quantity of fill imported to the site. The applicant shall prepare a cut/fill calculation and will be required 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. At a minimum, the applicant will be required to provide certification that the soil meets the Unrestricted Soil Use Group for residential sites. The applicant will be required to complete soil sampling and testing in accordance with New York State Department of Environmental Conservation (NYSDEC) protocol and provide a soils analysis report certified by a NYS Certified Laboratory and Soils Scientist or Engineer to demonstrate that the material imported to the site is suitable.

The applicant shall overlay the survey topography onto the GIS topography to determine the appropriate cut and fill volumes established between pre-existing conditions and existing conditions.

The fill sampling and testing was reviewed by the Town's Environmental Consultant. It was recommended that based on some of the low-level contamination present, that the fill remain in place. However, a demarcation layer (orange fence or geotextile membrane) be placed above the fill section and a minimum six (6) inch layer of top soil be placed atop the demarcation layer to cap the material. The applicant shall review the recommendations provided in the report and revise the plans to include appropriate notes and details to include the recommendations.

10. The property is served by an on-site wastewater treatment system. The plan shall illustrate the location of the existing septic field and tanks based on available 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.

As previously mentioned, the applicant has begun discussion with the WCDH and will forward all correspondence to this office for review. Additionally, it should be noted that if the existing septic field trenches are to remain, a plan shall be provided to protect the existing septic fields during the removal of the portion of existing asphalt driveway.

11. The applicant has developed several improvements and altered the land cover characteristics for the site which has resulted in an increase in impervious surface and an associated increase in stormwater runoff. As required by Chapter 267, Stormwater Management of the Town Code, the applicant shall prepare a Stormwater Pollution Prevention Plan, inclusive of stormwater mitigation and attenuation measures, to mitigate stormwater runoff through the 100-year, 24-hour storm event. For the purpose of the analysis, the baseline map noted above shall be used to establish pre-developed conditions and a comparative analysis to the current site conditions shall be prepared.

The applicant has provided a Stormwater Management report. The applicant shall revise said report and clarify if the existing court and portion of the existing asphalt driveway to be removed are included in the stormwater mitigation calculations, as it appears they have been included. Additionally, there are differing references to the amount of Stormtech units being provided. Please clarify and resubmit for review.

12. The plan shall clearly illustrate the location of any existing drainage systems, conveyance systems and connections. Any connections that may exist, to this storm system located in Tripp Lane, will require approval by the Town Highway Department.

Comment addressed.

13. As part of the stormwater mitigation system design, the applicant will be required to perform deep and soil percolation testing in the vicinity of any proposed stormwater mitigation practices. The soil testing shall be witnessed by the Town Engineer. Please contact this office to schedule the required soil testing.

Comment addressed.

14. The applicant will be required to provide certification for the proper construction and stability of all retaining walls greater than or equal to 4 feet in height. Details of their construction shall be provided on the plan.

The applicant has provided a retaining wall plan and back up calculations in certifying the stability of the existing walls. It is noted that the applicant is to reconstruct a portion of the stone wall on the east side of the property. Design and details for this construction has been provided.

15. The plan shall clearly illustrate and identify the various fences located throughout the site, indicating their height and material. Fence details shall be provided on the plan.

The plans call for a six (6) foot high black vinyl coated chain link fence; however, the two (2) fence details provided are for proposed fence of 5 feet 3 inches and 5 feet 2 inches. Please coordinate between the plan and details.

Additionally, the plan shall indicate a pool enclosure that complies with NYS Building Code.

16. Driveway piers and a gate has been installed at the front property line. The Town requires that gates be set back a minimum of 20 feet from the right of way to permit adequate area for a vehicle to pull off the road as well as to account for potential future road widening. The piers and gate shall be relocated accordingly, and appropriate details of their construction included on the plans.

It is noted that a waiver is requested by the applicant.

17. The driveway curb cut is greater than 18 feet in width which is the maximum permitted by the Town Highway Department. The plan shall be revised to demonstrate compliance and include all details necessary for work and restoration within the Town Right of Way.

It is noted that a waiver is requested by the applicant.

As additional information becomes available, we will continue our review. We note that additional information provided to address the above may result in further comment. It is noted that an itemized response to all comments will facilitate completeness and efficiency of review.

PLANS & REPORT REVIEWED, PREPARED BY JMC, DATED JULY 12, 2022:

- Cover Sheet (C-000)
- Pre-Existing Conditions Map (C-100)
- Existing Conditions Map and Demolition Plan (C-110)
- Tree Mitigation Plan (C-130)
- Site Plan (C-200)
- Gross Land Coverage Plan (C-310)
- Cut and Fill Plan (C-410)
- Construction Details (C-900, C-901)

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- Stormwater Pollution Prevention Plan Report

PLAN & REPORT REVIEWED, PREPARED BY SITE DESIGN CONSULTANTS:

- Retaining Wall Plan (1 of 1), dated April 7, 2022
- Retaining Wall Report, dated April 18, 2022

JMC/dc

https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Northcastle/Corresp/018SitePlans/2022-11-22_NCPB_Pereira - 4 Tripp Lane_Review Memo.docx