


MEMORANDUM

TO: North Castle Planning Board

CC: North Castle Conservation Board
Adam Kaufman, AICP
Mark and Joe Mazzotta
James A. Ryan, RLA
Anthony Nester, RLA

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

DATE: December 9, 2021

RE: Amended Site Development Plan Approval
Mazzotta (Amore Pizza)
1 Kent Place
Section 108.03, Block 1, Lot 69

As requested, Kellard Sessions Consulting has reviewed the site plans and application submitted in conjunction with the above-referenced project. The applicant is proposing to address certain zoning code violations and encroachments on adjacent properties related to construction within the subject property. The applicant has constructed various improvements without prior approval, including a patio, walkway, decorative walls and fountain and storage shed. These improvements are also located within the 100-foot buffer of an adjacent locally-regulated wetland and watercourse. The applicant has since obtained the necessary variances from the Zoning Board of Appeals and a Recommendation of Approval from the Conservation Board. The property is ±0.39 acre property is located in the Central Business, CB Zoning District.

Our comments are outlined below.

GENERAL COMMENTS

1. As illustrated on the plan, there are a number of improvements that have been constructed on adjoining properties, including a paver patio and wall, fountain, cooler and pedestrian sidewalk. The portion of the patio and wall extending onto the property to the south will be removed. Remaining improvements will be maintained via an easement with the adjoining Shell Station

property. The easement and agreement with the adjacent property owner that will permit these improvements to remain should be provided to the Town for review by the Town Attorney.

2. The plan appears to have been coordinated with the proposed improvements for the Shell Station, which obtained Site Plan Approval from the Planning Board on May 24, 2021.
3. The property is bisected by a tributary to the Wampus River. This watercourse is a locally-regulated wetland, as well as a New York State Department of Environmental Conservation (NYSDEC) Class C stream. The plan has been revised to illustrate the 100-foot regulated buffer and adjacent area. All improvements made were located entirely within the regulated area requiring a local Wetland Permit, as required by Chapter 340, Wetlands and Watercourse Protection of the Town Code. The applicant prepared a Wetland Mitigation Plan to provide mitigation at a ratio of 2:1 for unavoidable disturbances within the wetland/wetland buffer. The plan was referred to the Conservation Board for review and received a Recommendation of Approval on December 7, 2021. The plan shall be revised to address any final comment from the Conservation Board and include the details of the five (5) year long-term monitoring and maintenance plan. Monitoring requirements will be provided by this office.
4. As illustrated on the plan, the project site is located almost entirely within the FEMA regulated floodplain of a tributary to the Wampus River with a base flood elevation (BFE) of Elevation 379.0, as well as a FEMA regulated floodway, as shown on the National Flood Insurance Program Flood Insurance Rate Map (FIRM) Nos. 36119C0164F and 36119C0277F, effective September 28, 2007. The prior, unapproved development was completed within the floodplain and a portion of the patio and wall was constructed within the floodway. As such, the applicant will be required to obtain a Floodplain Development Permit demonstrating compliance with Chapter 177 – Flood Damage Prevention of the Town Code. The applicant will be required to demonstrate that appropriate flood mitigation is provided, as it relates to the required “no-rise” analysis and compensatory storage for fill placed within the floodplain.

To accomplish this goal, the applicant is proposing to remove a portion of the seat wall located within the floodway. In addition, as required by Section 177-14 (3) of the Town Code, the volume of space occupied by the authorized fill for the constructed patio below the base flood elevation has been compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. This is provided by planted depression adjacent to the west side of the stream. Details for the reconstruction of the stone-lined stream bank shall be added to the plan.

5. The applicant will be required to provide appropriate stormwater mitigation for the previously completed improvements. A Stormwater Management Design Report and sizing calculations shall be provided for review. This office met with the applicant’s engineer and was amenable to

conversion of the paver patio to a pervious system by removal of the grouted joints, so long as it would be demonstrated that appropriate detention could be achieved in the gravel subbases. The applicant should coordinate inspection of the underlying materials with this office.

6. The plan shall include construction details for all improvements, subject to this Amended Site Plan Approval, including the patio, walkway and walls and pervious paver system.
7. The applicant has illustrated erosion and sediment controls required for the improvements. Provide construction details.

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 JMC, DATED NOVEMBER 22, 2021:

- Site Plan (S-1)
- Wetland Mitigation Plan (WMP-1)

JMC/dc