


**MEMORANDUM**

TO: North Castle Planning Board

CC: Adam Kaufman, AICP  
Robert Morse, Bedford EMP Ownership, LLC  
Matt Gironda, P.E.

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

DATE: July 9, 2021

RE: Robert Morse, Bedford EMP Ownership, LLC  
50 East Middle Patent Road  
Section 103.01, Block 1, Lot 18

As requested, Kellard Sessions Consulting has reviewed the site plans submitted in conjunction with the above-referenced project. The applicant is proposing to subdivide a ±29.22 acre parcel, currently developed with a main residence, detached garage, tennis court and sport court, into a total of three (3) lots, each developed with a single family home. The lots will be approximately 5.36 acre, 19.43 acre and 4.42 acre in size. Associated improvements include swimming pools, pool house, and septic systems and well to support the development. The property is located in the One-Family, R-4A, Zoning District.

Our comments are outlined below.

**GENERAL COMMENTS**

1. The Preliminary Subdivision Plan illustrates and dimensions minimum required yard setbacks for each of the three (3) lots. The front yard setback, however, should be revised to be measured from the existing road widening easement that runs along the frontage of each lot. In addition, the applicant should seek a determination from the Building Inspector as to whether the lot lines at the rear of proposed Lot 2 (coterminous with the rear lot lines of Lots 1 and 3), which are parallel to East Middle Patent Road, would be considered front yard lines requiring a 75 foot setback, as opposed to the 50 foot set back shown.
2. The plan proposes additions to the existing residence to remain on proposed Lot 2. The additions will require an area variance for a front yard setback from the Zoning Board of Appeals.

3. The Gross Land Coverage Calculation for Proposed Lot 2, included on the Preliminary Subdivision Plan, should be verified. It appears the total permitted gross land coverage should be revised to be 70,214 square feet vs. the 58,314 square feet shown.
4. The Net Lot Area Calculation for Proposed Lot 3, included on the Preliminary Subdivision Plan, should be verified. It appears that net lot area should be equal to 192,535 square feet. It appears a deduction was mistakenly applied.
5. The Subdivision Plan shall illustrate the Minimum Contiguous Buildable Area for each lot, which is defined by Section 355-26F (2) of the Town Code as that area of the lot, excluding wetlands, water bodies, watercourses and adjacent areas.
6. The project site is partially located within the boundaries of a FEMA 100-year Floodplain, Zone A. The plans shall clearly illustrate the boundaries of the floodplain and include references to the effective FEMA FIRM Maps. There are no improvements proposed within the floodplain. As such, floodplain mitigation would not be required. However, regardless of whether or not development in the floodplain is proposed, the applicant will be required to obtain a Floodplain Development Permit prior to development of the effected lots in accordance with Chapter 177, Flood Damage Prevention of the Town Code.
7. The site includes locally regulated wetlands and watercourses. The plan illustrates a wetland limit which 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. Based on the currently depicted delineation, there does not appear to be any development or disturbance proposed within the regulated wetland or wetland buffer. Contact this office to inspect the wetland line once the delineation has been established.
8. The Preliminary Subdivision proposes to maintain the existing driveway connection between what will become Lots 1 and 2. The plat should illustrate the limits of any required access easements, copies of which should be provided to the Town Attorney for review.
9. The applicant will be required to obtain approval from the Westchester County Health Department (WCHD) for the proposed subdivision, as well as for the proposed on-site wastewater treatment systems and private drilled wells for Lots 1 and 3 and the proposed septic expansion area for Lot 2. In addition, it appears that two existing drilled wells will remain on proposed Lot 2. The applicant should confirm with the WCHD whether one of the two wells must be decommissioned or converted for irrigation (or other non-potable) use. Copies of these approvals shall be provided to the Town upon receipt.

10. The plan shall include sight line plans and profiles for each of the proposed curb cut locations demonstrating that minimum visibility for 200 feet each direction can be provided.
11. The plan should include the surveyed location of existing Town-regulated trees (dbh equal to or greater than 8 inches) within the development area, at a minimum. The areas of the homes proposed for Lots 1 and 3 are located primarily within densely wooded areas of the property. The applicant will be required to provide a Landscape and Tree Preservation Plan in accordance with Chapter 308, Trees of the Town Code for review and consideration by the Planning Board.
12. The plan should illustrate the limits of existing stone walls to be removed and or restored.
13. The Preliminary Subdivision Plan should be titled "Preliminary Plat".
14. The plan should include driveway profiles demonstrating compliance with Section 355-59 of the Town Code. The plan shall clearly illustrate the maximum curb cut width of 18 ft as permitted by the Town Highway Department.
15. The site plan should clarify whether or not outdoor lighting is proposed for the tennis court and sport court. The height and type of fencing shown at the perimeter should be specified on the plan.
16. The plan should include preliminary proposed grading and illustrate and quantify the limits of disturbance.
17. As required by Section 275-32 of the Town Code, the applicant will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) to provide water quality and quantity controls, as well as an Erosion and Sediment Control Plan, in accordance with Chapter 267, Stormwater Management. Design calculations for proposed stormwater mitigation practices shall be included. It is assumed that total disturbances associated with the development of the subdivision will exceed one (1) acre, with less than 25% impervious cover at total site build out. As such, the applicant will also be required to obtain coverage under the NYS DEC SPDES General Permit, GP-0-20-001, for Stormwater Discharge from Construction Activity and prepare an erosion and sediment control SWPPP. The applicant shall provide a draft Notice of Intent (NOI) and MS4 SWPPP Acceptance Form for review.
18. The applicant will be required to perform soil testing in the areas of the proposed stormwater management practices, to be witnessed by this office, to demonstrate the presence of suitable soils and that adequate separation to bedrock and/or groundwater is provided for the proposed practices. Please contact this office to schedule the testing.

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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 BIBBO ASSOCIATES, LLP, DATED JUNE 28, 2021:**

- Existing Conditions Plan (EX)
- Preliminary Subdivision Plan (SP)

JMC/dc