




John Kellard, P.E.
David Sessions, RLA, AICP
Joseph M. Cermele, P.E., CFM
Jan K. Johannessen, AICP

MEMORANDUM

TO: North Castle Planning Board

CC: Adam Kaufman, AICP
Geri Tortorella, Esq.
Lou DiMarzo, P.E.
Jay Fain
Chloe & Mikhail Gasiorowski

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

DATE: October 7, 2022
Updated February 24, 2023
Updated November 10, 2023

RE: Site Development Plan & Special Use Permit Approval
Chloe & Mikhail Gasiorowski, Marengo Farms, LLC
263 Bedford-Banksville Road
Section 95.03, Block 2, Lot 56

As requested, KSCJ Consulting has reviewed the plans and reports submitted in conjunction with the above-referenced project. The applicant is seeking Special Permit and Site Plan Approval for the replacement of the existing residence, construction of new servant quarters and expansion of the present horses boarded on the property. The proposed improvements include the replacement of the existing residence with a five (5) bedroom, 5,000 s.f. residence with a pool and pool house, new two (2) bedroom caretakers quarters, renovation of existing indoor riding ring, replacement of two (2) stable buildings with a new ten (10) stall barn, new four (4) bedroom groom quarters, storage barn and garage building, expansion of existing outdoor arena, expansion of existing paddocks, new septic systems, new wells and water supply, and new stormwater collection and treatment systems. The facility shall utilize the existing driveway and curb cut at Bedford-Banksville Road. The site includes New York State Department of Environmental Conservation (NYSDEC) regulated wetlands along its western border, locally-regulated wetlands and pond within the western portions of the project site and a local wetland and stream within the northeast corner. Disturbance into the 100-foot regulated wetland setback appears to have been avoided at this time. The ±21.0 acre property is located in the R-4A Zoning District.

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The application has been revised, eliminating the servant quarters building and providing a 150 foot buffer of existing trees along the southern property line.

GENERAL COMMENTS:

1. The project site includes a NYSDEC regulated wetland, which borders the Mianus River within the western portion of the project site. A pond and adjacent locally-regulated wetlands also exists within the western portion of the project site. A locally-regulated watercourse and adjacent wetlands exists within the northeastern portion of the project site.

The applicant has had the NYSDEC wetland boundary confirmed by Josh Fisher on June 8, 2021. The applicant has provided a copy of the wetland survey and signed validation block by the NYSDEC.

Our office has field inspected the wetland flagging of the local wetlands and we confirm its accuracy with regard to the Town Wetland Code.

Proposed improvements and site disturbance illustrated on the proposed site plan are located more than 100 feet from the flagged wetland boundary. No wetland permitting is therefore required based on the proposed site plan.

2. **A portion of the project site along the Mianus River and along the unnamed tributary at the property frontage is within a 100-year FEMA Floodplain. The application does not propose any work within the floodplain, however, since the property is within a Flood Zone, a Floodplain Development Permit must be filed with the Building Department prior to a Building Permit.**
3. The applicant is proposing to access the project via an existing driveway with an existing curb cut onto Bedford-Banksville Road, a Westchester County Roadway. The applicant should demonstrate that the existing curb cut can accommodate ingress and egress for the horse trailers and fire apparatus. A review of the curb cut should be provided by Westchester County Department of Public Works.

The applicant has provided a Turning Templates and Sight Distance Plan which depicts turning movements into and out of the existing driveway for a fire engine, garbage truck and pick up truck with trailer attached. The plan also provides sight distances along Bedford-Banksville Road from the existing driveway.

Westchester County Department of Public Works (WC DPW) has jurisdiction over the curb cut and therefore, I would recommend that the applicant submit the documents to WC DPW for their review of the change of use.

Comment addressed.

4. **The applicant is proposing septic systems and wells to service the proposed facilities. Westchester County Department of Health (WCHD) Approval is required for the proposed sanitary and water supply needs of the project. Please submit WCHD subsurface sewage disposal and well approvals when obtained.**
5. The project will require the removal of 497 Town-regulated trees. The majority of the trees to be removed are Black Locust, a species identified by New York State as an invasive, noxious plant.

The applicant has provided plans, which includes tree removals and a tree removal list plan.

A landscape plan has been provided for the project.

The Planning Board should determine whether the proposed tree removal is appropriate for the development proposed and if any tree preservation or replacement be required in addition to the landscaping proposed by the applicant.

6. The project proposes 1-5 acres of disturbance, which will require the owner to obtain coverage under the NYSDEC General Permit (GP-0-20-001) for Stormwater Discharges from Construction Activities. The applicant will need to prepare a Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan.

The applicant has submitted a SWPPP for the project. The stormwater plan proposes eight (8) stormwater infiltration practices with a total of 53 Cultec infiltrators. Stormwater computations provide that runoff from the project site will be reduced with the mitigation. We have reviewed the project SWPPP and provide the following comments:

- a. Disturbances over one (1) acre require conformance with the NYSDEC General Permit GP-0-20-001 for erosion and sediment control, stormwater quality and quantity controls. A Notice of Intent (NOI) and MS4 Acceptance Form will need to be filed with the NYSDEC prior to the start of work. The applicant should submit draft copies of the NOI and MS4 Acceptance Form for review.

Comment addressed.

- b. The applicant is proposing to remove two (2) feet of soil below the proposed infiltrators and replace the soil with an engineered soil mix with a slower percolation rate. This is a design which may be appropriate for a bioretention system, however, I have never seen the practice used for an infiltration system. I also cannot find the practice to be an acceptable design feature for infiltration systems within the NYS Stormwater Management Design Manual. Perhaps the applicant's professionals can provide clarification on the design.

Comment addressed.

- c. The applicant should include within the SWPPP WQv calculations in accordance with Chapter 4 of the NYS Stormwater Management Design Manual, which provide 24-hour extended detention of the post-developed 1-year, 24-hour storm event. It seems CPv can easily be handled by the system if the soil below the infiltrators were not replaced with an engineered soil mix.

Comment addressed.

- d. The applicant is proposing stormwater infiltration practices that are required to have pre-treatment in conformance with Chapter 6, Section 6.3 of the NYS Stormwater Management Design Manual. Please address pre-treatment at each stormwater practice.

Pre-treatment volume of 25% of the WQv has been provided at each treatment system. The percentage of WQv required for pre-treatment volume is a direct relationship with the infiltration rate of the soils at each system. The applicant should address the pre-treatment volume required based on the infiltration rates at each practice.

- e. Stormwater infiltration practices must maintain a minimum separation of three (3) feet between the practice and groundwater, soil mottled layer or bedrock. It appears that three (3) feet of separation has not been confirmed for infiltration practice E-1, E-4 and W-2.

Considering that TP-D-13 has a shallow depth to groundwater of 66 inches and the test location is 150 feet from treatment system E-1, additional testing should be performed at the location of the proposed practice.

- f. Each treatment system should be designed with a bypass pipe which diverts high flows around the pre-treatment isolation rows.

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7. The applicant will need to prepare site engineering plans detailing proposed site grading, erosion and sediment controls, storm drainage improvements and mitigation, site layout, construction details, etc. Upon submission of the required documents, our office will provide a detailed review.

Runoff from the hillside behind the pool house will flow directly towards the pool house. The applicant should examine the grading within this area and consider whether a swale is appropriate between the building and the hillside.

Comment addressed.

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

PLANS & REPORT REVIEWED, PREPARED BY DIMARZO & BERCZKY, DATED OCTOBER 18, 2023:

- Zoning Site Plan (C-0)
- Site Development Plan (C-1)
- Gross Land Coverage Plan (C-2)
- Site Plan – 3A (C-3A)
- Site Plan – 3B (C-3B)
- Erosion & Sediment Control Plan (C-4)
- Notes & Details (C-5)
- Details – 1 (C-6)
- Details – 2 (C-7)
- Turning Templates & Sight Distance Plan (C-8)
- Average Grade Calculations the Exhibits
- Stormwater Pollution Prevention Plan Report

PLANS REVIEWED, PREPARED BY JAY FAIN & ASSOCIATES:

- Cover Sheet (CO), dated February 10, 2023
- Special Permit – Site Plan (S.1), dated February 10, 2023
- Special Permit – Landscape Plan (L.1), dated May 3, 2023
- Special Permit – Landscape Details (L.2), dated October 18, 2023
- Special Permit – Tree Removals (TR.1), dated February 10, 2023
- Special Permit – Tree Removals List (TR.2), dated February 10, 2023

JK/dc

https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Municipal/Northcastle/Corresp/018SitePlans/2023-11-10_NCPB_Gasiorowski - 263 Bedford-Banksville Rd_Review Memo.docx