October 6, 2023

## Via Email

Christopher Carthy, Chairman
Town of North Castle Planning Board
17 Bedford Road
Armonk, NY 10504

## Re: Subdivision Application 40 High Street, Armonk, New York

## Chairman Carthy and Members of the Planning Board:

This firm represents Frank Contacessa and Daria Contacessa ("Applicant") with respect to the proposed subdivision of the property located at 40 High Street ("Property"). This matter was last before your Board on November 14, 2022. As you will recall, the Property is located at 40 High Street and is identified on the Tax Assessment Map of the Town of North Castle as 101.03-3-83. The site is located in the $\mathrm{R}-1 \mathrm{~A}$ zoning district, a residential zoning district with a minimum required lot size of 1 acre. The Property is approximately 5.8 acres and is improved with a singlefamily home, pool, and cabana.

Currently, the existing home, pool, and cabana are located on the southern portion of the Property, with the northern portion of the site, adjacent to Cannato Place, being vacant land. The Applicant is proposing to subdivide the 5.8 acre parcel into two zoning compliant lots. The proposed subdivision is shown on Integrated Plot Plan ("IPP"), prepared by DTS Provident Design Engineering, dated, October 20, 2022, last revised September 29, 2023. Proposed Lot 1 is 1.393 acres and currently consists of vacant land. It is anticipated that, once subdivided, this lot will be developed with a single-family home. The driveway servicing Lot 1 will provide access directly to Cannato Place via a new curb cut. Proposed Lot 2 is 4.45 acres and will contain the existing home. As shown on the IPP, access to Lot 2 will be via the existing common driveway.

At the November 2022 meeting, we discussed the necessity to flag the wetlands to determine the extent of any potential impacts to the wetlands associated with the development of proposed Lot 1. Since that time, our wetlands consultant has worked with Dave Sessions of KSCJ Consulting, to identify and flag the wetlands on the Property. As shown on the IPP, the development contemplated for Proposed Lot 1 is located entirely outside of the wetland and wetland buffer on the site.

In support of this application, the following plans are being submitted:

1. Integrated Plot Plan, prepared by DTS Provident Design Engineering, LLP
2. Response Letter prepared by Peter J. Gregory, P.E.
3. Analysis of Intermittent Stream prepared by Steve Marino, PWS

Please place this matter on the Planning Board's October 23, 2023 agenda for a continued discussion of this application and, if your Board deems appropriate, the scheduling of a site walk.

If you have any questions or concerns, please do not hesitate to contact me.
Respectfully submitted,
ZARIN \& STEINMETZ
Koy Salomone
cc: Dr. Frank Contacessa
Peter Gregory, P.E.
Adam Kaufman, AICP
Roland Baroni, Esq.
John Kellard, P.E.

October 6, 2023

Mr Adam Kaufman, AICP
Director of Planning
Town of North Castle
15 Bedford Road
Armonk, New York 10504

RE: 40 High Street Subdivision
40 High Street
Tax ID - Section 101.03, Block 3, Lot 83

Dear Mr. Kaufman:

We are pleased to resubmit updated plans in support of the Subdivision application for the 40 High Street Subdivision property located at 40 High Street, Armonk NY, Section/Block/Lot: 101.03/3/83 in the Town of North Castle, Westchester County.
Plans have been updated to address comments discussed in your review memo dated October 26, 2022. Plans and comments have been addressed as follows:

1. The IPP and preliminary plat should be revised to depict the Town-regulated wetland and wetland buffer present on the property. Any disturbance should be quantified and depicted on the IPP.
Response: The IPP has been updated to depict Town-regulated wetland and wetland buffer present on the property. A site evaluation prepared by Steve Marino, PWS, principal/Senior Wetland Scientist with Tim Miller Associates, Inc (copy attached), indicates the watercourse is actually a drainage channel which barely meets the definition of an intermittent stream and is not perennial. The only area designated as Town regulated wetlands occurs on Lot 2, just north of the existing common driveway. As a result of this determination, there will be no disturbance to wetlands or the wetland buffer with the construction related activity associated with the development of Lot 1 .
2. The IPP and preliminary plat should be revised to depict the Town-regulated steep slopes present on the property. Any disturbance should be quantified and depicted on the IPP.
Response: The IPP has been updated to depict the Town-regulated steep slopes present on the property. Steep Slopes have been shown as defined in Section 3554 of the North Castle Town Code. The area of Steep Slope has been determined
and applied to the Net Lot Area Calculation. The total area of steep slope disturbance associated with the development of Lot 1 has been provided on the plan.
3. It appears that the proposed subdivision would create impacts to Town-regulated wetlands and Town-regulated steep slopes. Given that the lot is alveady developed with a single family home, the Planning Department recommends that the Planning Board evaluate the impacts associated with the further development of this property with an aim to avoid the issuance of wetlands and steep slope permits.
Response: The project will require the issuance of a Steep Slope Permit and Tree Removal Permit. Based on the updated wetland information, development of Lot 1 will not impact Town regulated wetlands or wetland buffer. A wetland permit will be required for drainage improvements proposed along the High Street drainage corridor. The plan proposes the installation of a storm drain line to convey High Street and Cannato Place stormwater runoff through Lot 1 and into Lot 2. Storm drainage will be discharged onto Lot 2 and dissipated toward the existing drainage channel, through the wetland buffer area.
4. The Applicant should quantify tree removal for a) the proposed site improvements on Lot 1 and Lot 2 and b) for the entire proposed subdivision (including future development).
Response: Tree Removal will only be required for future site improvements on Lot 1. The number of trees to be removed has been quantified and indicated on the IPP.
5. The proposed subdivision depicts lots that are capable of being further subdivided in the future (twice the minimum required net lot area). The Applicant should indicate whether the Applicant is willing to place a restriction on the property from being further subdivided at this time. If not, the Applicant will need to prepare a maximum development plan for review. The Applicant must create this plan since the Planning Board is required to take the necessary "hard look" at the full potential impacts associated with developing the entire parcel (to avoid segmentation).
Response: The applicant is prepared to place a restriction on the future subdivision of the property. The applicant is also willing to improve the drainage condition along High Street and offer wetland and wetland buffer mitigation with the removal of non-native vegetation observed within the wetland and wetland buffer areas.
6. While Cannato Place is a Town Road, the road does not appear to meet Town-road standards. The Town Engineer should review whether the existing conditions of the road can support an additional house and, if not, whether any improvements to the road should be made as part of this subdivision.
Response: So Noted. Cannato Place currently serves as access for three residential properties. Very limited use and proximity of Cul de Sac allows for maneuvering of vehicles at driveway entrances.
7. The Applicant shall submit an exhibit demonstrating that adequate sight distance can be achieved at the proposed driveway location pursuant to Section 355-59.D of the Town Code. Response: The IPP has been updated to reflect sight lines from the proposed driveway entrance in each direction. A
8. The Applicant should submit exhibits depicting how average lot width and lot depth were calculated for Lots 1 and 2.
Response: A sketch demonstrating lot widths and lot depths utilized in determining mean dimensions will be provided.
9. The Applicant should submit a Gross Land Coverage Calculations Worksheet for proposed Lot 2. A GLC backup exhibit should also be submitted for review.

Response: A Gross Land Coverage Worksheet with graphical depiction has been prepared and is attached for your review.
10. The Applicant should submit Gross Floor Area Calculations Worksheet for proposed Lot 2. A GFA backup exbibit should also be submitted for review.
Response: A Gross Floor Area Calculation worksheet will be provided.
11. A minimum contiguous buildable area exhibit should be submitted for review.

Response: The required Contiguous Buildable Area for new lots created in the R1A Residence Zoning District with On-Lot Sewage Disposal and Well is 25,000 square feet. The IPP has been updated to reflect the Contiguous Buildable Area as defined in Section 355-26 of the North Castle Town Code. The Contiguous Buildable Area for proposed Lot 1 is 27,800 square feet.
12. The applicant shall submit payment of the recreation fee in the amount of ten-thousand dollars $(\$ 10,000)$ for each new building lot, for a total of $\$ 10,000$ as stated in Section 275-27of the Town Code.
Response: So Noted.
13. The Applicant should submit a preliminary plat that conforms to the minimum requirements of Section 275-30 of the North Castle Town Code for review.
Response: A preliminary plat will be prepared in accordance with Section 275-30 of the Town of North Castle Town Code by a New York State Licensed Land Surveyor and submitted for review.
14. It appears that the property contains several existing elements that do not appear to comply with the Town Code (e.g. pool and pool patio does not meet year yard setback, detached garage does not meet rear yard setback, pool fence not located on property, driveway courtyard does not meet front yard setback). The Applicant will need to demonstrate that all approvals/variances have been issued for these site elements.
Response: Building Department records will be researched to determine that all approvals/variances have been issued for the specified site elements.

Should you have any questions or require additional information please feel free to contact me.
Very truly yours,
DTS Provident Design Engineering, LLP
Pet Perqour
Peter J. Gregory, PE
Senior Associate

## TIM

MILLER
ASSOCIATES, INC.
10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com
June 21, 2023
Mr. Peter Gregory, P.E.
DTS Provident Design Engineering LLP
One North Broadway
White Plains, NY 10601
RE: Analysis of Intermittent Stream
Contecessa - 40 High Street, Armonk
Town of North Castle, Westchester County
Dear Mr. Gregory:
In response to your request I recently re-visited the property at 40 High Street in the Town of North Castle. The purpose of this visit was to evaluate the nature of the watercourse on site, and how it is regulated by the Town.

I have now visited the site on four separate occasions between January and June of 2023. At no time during these site visits have I observed flow in the upper reaches of the stream segment (beginning at Cannato Place). It was not until I reached the area flagged as wetland just north of the common driveway that any water was observed, and this was just a small flow through the culvert under the common drive.

The main source of flow into the channel is storm driven, entering the site from a weepoff at the intersection of High Street and Cannato Place (see Photos 1 and 2). This weep off also includes a culvert pipe that conveys flow from the west side of High Street, adding to the area of road that is also discharging to this point during storm events. There is no upstream connection/culvert on the north side of Cannato Place, thereby limiting the input to runoff from the road and a small watershed on either side of the channel. The first segment of approximately 100 feet is poorly defined, with dense vegetation on both sides (Photo 3). The channel itself is very shallow in most locations, evidence that flow when it does occur is not of a volume or rate to create erosion (Photo 4).

Some bedload is evident at about 350 feet downstream of Cannato Place, indicating that in larger storm events enough flow occurs that gravel and cobbles in the stream bed are subjected to enough force that they move and are displaced in the channel (Photo 5). The watershed draining to this feature is not large enough to produce this much water as baseflow, another indication that the feature is created more as a drainage path than a perennial stream. In my opinion, if this feature was not flowing during March or April of this year, it would barely meet the definition of an intermittent stream and is certainly not a perennial.

Mr. Gregory
June 21, 2023
Beyond this point, the channel itself is buried under a jumble of non-native vines and dense vegetation, none of which indicates that water resides long enough to saturate an area so that wetland vegetation can grow (Photo 6). As noted in previous correspondence, only that water that is trapped in the shallow flat area just north of the culvert at the common drive creates a condition where wetland vegetation can grow, and in this case the majority of that vegetation is also non-native and invasive.

I hope this answers any wetland questions you have about this property. Please contact me if you have any more questions or if the Town requires additional confirmation of site conditions.

Sincerely,


Steve Marino, PWS
Principal/Senior Wetland Scientist
TIM MILLER ASSOCIATES, INC.
c: Kory Salomone, Zarin and Steinmetz
Frank Contecessa


Key to Photos


Photo 1


Photo 2


Photo 3


Photo 4


Photo 5


Photo 6

# PLANNING DEPARTMENT <br> Adam R. Kaufman, AICP <br> Director of Planning 

Telephone: (914) 273-3542
Fax: (914) 273-3554
www.northcastleny.com

## GROSS LAND COVERAGE CALCULATIONS WORKSHEET

Application Name or Identifying Title:
40 High Street Subdivision - Lot 1 Date: 10-06-23

Tax Map Designation or Proposed Lot No.: $\qquad$ 101.03-3-83 Lot 1

## Gross Lot Coverage

1. Total lot Area (Net Lot Area for Lots Created After 12/13/06): 55,056
2. Maximum permitted gross land coverage (per Section 355-26.C(1)(a)): 9,350+(11,496)(.09) $\qquad$ 10,385
3. BONUS maximum gross land cover (per Section 355-26.C(1)(b)):

Distance principal home is beyond minimum front yard setback
$0.25 \times 10=$
2.50
4. TOTAL Maximum Permitted gross land coverage $=$ Sum of lines 2 and 3

10,387
5. Amount of lot area covered by principal building:
$\ldots$ existing $+\ldots$ 1,690 proposed $=$
6. Amount of lot area covered by accessory buildings:
$\qquad$ existing + $\qquad$ proposed =
7. Amount of lot area covered by decks:
$\qquad$ existing + $\qquad$ proposed =
8. Amount of lot area covered by porches:
$\qquad$ existing + $\qquad$ proposed =
9. Amount of lot area covered by driveway, parking areas and walkways:
$\qquad$ existing + $\qquad$ proposed = $\qquad$
10. Amount of lot area covered by terraces:
$\qquad$ existing + $\qquad$ proposed = $\qquad$
11. Amount of lot area covered by tennis court, pool and mechanical equip:
$\qquad$ existing + $\qquad$ proposed =33
12. Amount of lot area covered by all other structures:
$\qquad$ existing + $\qquad$ 0 proposed = $\qquad$
13. Proposed gross land coverage: Total of Lines $5-12=$

If Line 13 is less than or equal to Line 4, your proposal complies with the Town's maximum gross land coverage regulations and the project may proceed to the Residential Project Review Committee for review. If Line 13 is greater than Line 4 your proposal does not comply with the Town's regulations.

Peter Gregory
Signature and Seal of Professional Preparing Worksheet

PLANNING DEPARTMENT
Adam R. Kaufman, AICP Director of Planning

# WESTCHESTER COUNTY 

17 Bedford Road

## GROSS LAND COVERAGE WORKSHEET

The following format is to be used for all applications for the purpose of demonstrating the gross land coverage of a property as necessary to show compliance with gross land coverage limitations of the Town Code.

1. Scaled worksheets are to be prepared based upon a site plan which represents existing or proposed conditions as applicable to the particular circumstances of the approval being sought. All site plans and worksheets are required to be prepared by a licensed or registered professional in the State of New York.
2. Each component of the gross land coverage is to be divided into simple polygons (squares, rectangles, etc.) each being drawn on the plan. The area of each polygon is to be shown by providing the dimensions and resulting area measurement. Each polygon is to be assigned an identifying label for reference purposes.
3. A summary table for each component is to be completed. The area of each polygon is to be listed by reference label then added, resulting in the gross land coverage for the entire site.
4. Any exception of land coverage from the gross land coverage must be identified on the floor plans and summary tables. The rationale for any exception must accompany the floor area worksheets.
5. A schematic illustration of the format is shown below (or a schematic illustration with areas computed by CAD)


1A 2A= Drive

LOT AREA, NET - Lot area minus seventy five (75) percent of the area of any wetlands, waterbodies and, watercourses, but excluding any adjacent areas, all as defined in Chapter 340 Wetlands and Drainage, of the Town Code, and the area of any steep slopes, as defined Chapter 355, except that in the case of one-family lots, the deduction for steep slopes shall be only fifty (50) percent.

| Lot Size | Maximum Permitted Gross Land <br> Coverage for One-Family <br> Dwelling Lots <br> (square feet) |
| :--- | :--- |
| Less than 5,000 square <br> feet | $50 \%$ of the lot area |
| 5,000 to 9,999 square feet | 2,500 plus $30 \%$ of the lot area in <br> excess of 5,000 square feet |
| 10,000 to 14,999 square <br> feet | 4,000 plus $24 \%$ of the lot area in <br> excess of 10,000 square feet |
| 15,000 square feet to <br> 0.499 acres | 5,200 plus $18 \%$ of the lot area in <br> excess of 15,000 square feet |
| 0.5 to 0.749 acres | 6,420 plus $15 \%$ of the lot area in <br> excess of 0.5 acres |
| 0.75 to 0.999 acres | 8,050 plus $12 \%$ of the lot area in <br> excess of 0.75 acres |
| 1.0 to 1.999 acres | 9,350 plus $9 \%$ of the lot area in <br> excess of 1.0 acres |
| 2.0 acres or more | 13,270 plus $7.5 \%$ of the lot area <br> in excess of 2.0 acres |

*Permitted gross land coverage limitations for two-family dwelling lots in the R-2F District shall be twenty five (25) percent greater than that permitted for one-family dwelling lots.

NOTWITHSTANDING ABOVE LIMITATIONS, AN ADDITIONAL 10 SQUARE FEET OF GROSS LAND COVERAGE SHALL BE PERMITTED FOR EACH ONE FOOT OF FRONT YARD SETBACK OF THE PRINCIPAL DWELLING IN EXCESS OF THE MINIMUM FRONT YARD SETBACK REQUIRED.

# PLANNING DEPARTMENT <br> Adam R. Kaufman, AICP <br> Director of Planning 

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www.northcastleny.com

## GROSS LAND COVERAGE CALCULATIONS WORKSHEET

Application Name or Identifying Title:
40 High Street Subdivision - Lot 2 Date: 10-06-23

Tax Map Designation or Proposed Lot No.: $\qquad$ Lot 2

## Gross Lot Coverage

1. Total lot Area (Net Lot Area for Lots Created After 12/13/06):

179,415
2. Maximum permitted gross land coverage (per Section 355-26.C(1)(a)): 13,270+(92,295)(.075) 20,192
3. BONUS maximum gross land cover (per Section 355-26.C(1)(b)):

Distance principal home is beyond minimum front yard setback $120.75 \times 10=$ $\qquad$
4. TOTAL Maximum Permitted gross land coverage $=$ Sum of lines 2 and 3 $\qquad$
5. Amount of lot area covered by principal building:
3,627 existing $+\ldots \quad 0 \quad$ proposed $=$

3,627
6. Amount of lot area covered by accessory buildings:
1,841 existing $+\ldots \quad 0 \quad$ proposed $=$

1,841
7. Amount of lot area covered by decks:
$\qquad$ existing + $\qquad$ proposed = $\qquad$
8. Amount of lot area covered by porches:
$\qquad$ existing + $\qquad$ proposed $=$ $\qquad$
9. Amount of lot area covered by driveway, parking areas and walkways:
10,912 existing $+\quad 0 \quad$ proposed $=$
10. Amount of lot area covered by terraces:
$\qquad$
11. Amount of lot area covered by tennis court, pool and mechanical equip:
$\qquad$ existing + $\qquad$ proposed =
12. Amount of lot area covered by all other structures:
$\qquad$ existing + $\qquad$ proposed = 468
13. Proposed gross land coverage: Total of Lines 5-12 =

$$
21,300
$$

If Line 13 is less than or equal to Line 4, your proposal complies with the Town's maximum gross land coverage regulations and the project may proceed to the Residential Project Review Committee for review. If Line 13 is greater than Line 4 your proposal does not comply with the Town's regulations.
$\frac{\text { Peter Gregory }}{\text { Signature and Beal ol Prolessional Preparing Worksheet }}$
$\frac{10-06-23}{\text { Date }}$

PLANNING DEPARTMENT
Adam R. Kaufman, AICP Director of Planning

# WESTCHESTER COUNTY 

17 Bedford Road

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