


**MEMORANDUM**

TO: North Castle Planning Board

CC: North Castle Conservation Board  
Adam Kaufman, AICP  
Design Development, PLLC  
Kings Capital Holdings

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

DATE: May 19, 2023

RE: Special Permit Application  
The Gardens  
45 Bedford Road Townhouse Project  
Section 100.03, Block 1, Lot 6

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As requested, Kellard Sessions Consulting has reviewed the documents submitted in conjunction with the above-referenced Special Permit Application. The applicant is proposing the redevelopment of the Mariani Garden Center with a residential development of 34 housing units within seven (7) Townhouse and Apartment structures with parking below. The application is before the Town Board for consideration of a Special Use Permit and has been referred to your Board for review and recommendation. As the plans are in the early development stages, we offer the following preliminary comments for consideration.

Our comments are outlined below.

**GENERAL COMMENTS**

1. The property is partially encumbered by a New York State Department of Environmental conservation (NYSDEC) Class-C Stream and associated locally-regulated on-site wetland to the southwest, and a wetland buffer associated with a locally-regulated off-site wetland to the southeast. Wetland Permits will be required in accordance with Chapter 340 – Wetlands and Watercourse Protection of the Town Code.

The applicant will be required to prepare a Wetland Mitigation Plan providing wetland and wetland buffer mitigation for unavoidable disturbances at a ratio of 2:1 in accordance with Chapter 340.

2. The project site is partially encumbered by the 100-year FEMA Floodplain, Zone AE, with a floodplain elevation of 375.0. The plan shall illustrate the limits of the regulated FEMA Floodway and Floodplain.

The applicant will be required to demonstrate compliance with Chapter 177 – Flood Damage Prevention of the Town Code and obtain a Floodplain Development Permit. Specifically, the applicant will be required to provide a “No-Rise” Analysis, per Section 177-14 (B) (2) (a); a compensatory flood storage evaluation, per Section 177-14 (B) (3); and provide construction design details, as necessary, to demonstrate compliance with Section 177-15 and 177-16 of the Town Code.

3. The project will disturb greater than one (1) acre. As such, the applicant will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 267 – Stormwater Management of the Town Code, as well as to obtain coverage under NYSDEC SPDES General Permit, GP-0-20-001, for Stormwater Discharges from Construction Activity. The applicant will need to mitigate erosion and sediment during the construction phase, as well as post-development water quality and quantity mitigation through the 100-year storm event. The applicant should prepare a SWPPP and draft Notice of Intent (NOI) for review.
4. The project proposes extension of North Castle Water District #4 and Sewer District #2 facilities to serve the proposed housing units with water supply and sewage disposal. The Town Water and Sewer Department should be consulted on available capacity to service the project. The extension of the public sanitary sewer and water distribution systems will require the approval of the Westchester County Department of Health (WCHD).
5. The project will be accessed by a single curb cut at Bedford Road. A driveway loop will provide access to all buildings. The applicant will need to provide turning movements through the driveway for emergency fire apparatus. We would recommend the plan be referred to the Town Emergency Service providers for review and comment.
6. The property is located within the check zone associated with NYSDEC Freshwater Wetland K-22. The applicant will be required to obtain any permits from the NYSDEC in this regard or provide confirmation of no jurisdiction.
7. The proposed disturbances appear to be located within 100 feet of the Wampus Brook, a Westchester County watercourse. The applicant shall provide confirmation as to whether a Stream Control Permit is required by Westchester County.

8. As the plan develops, the applicant will be required to provide additional design data and construction documents. The following documents should be submitted with future Site Plan Application submissions:
- Stormwater Pollution Prevention Plan (SWPPP) with Notice of Intent (NOI), per NYSDEC Stormwater General Permit.
  - Wetland Applications with Wetland Mitigation Plans.
  - Application for Floodplain Development Permit, including compensatory storage analysis.
  - Town of North Castle Highway Department Curb Cut and Road Opening Permits.
  - WCHD Approval of for public sewer and water main extensions.
  - Site Layout Plan, Grading Plan, Utility Plan, Turning Radius of Emergency Vehicles, Erosion and Sediment Control Plan.
  - Utility and Stormwater Collection System Profiles.
  - Driveway Profiles.
  - Construction Details.
  - Erosion and Sediment Control Details.
  - Traffic & Parking Signage/Handicap Access Plan.
  - Utility Easement Map.
  - Construction/Phasing Sequencing Plan.
  - Landscape Plans.
  - Bedford Road Streetscape Plans.
  - Lighting Plan.

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 DESIGN DEVELOPMENT, PLLC, DATED APRIL 26, 2023:**

- Cover Sheet
- Proposed Site (A-SK-001)
- Architecturals and Renderings (A-SK-02, 03, 3A, 004.1, 004.2, 004.3, 005.1, 005.2, 06.1, 06.2, 008.1, 006.2, 006.3, 007.1, 007.2, 008)

JK/dc