




John Kellard, P.E.
David Sessions, RLA, AICP
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MEMORANDUM

TO: North Castle Planning Board

CC: North Castle Conservation Board
Adam Kaufman, AICP
Robert Peake, AICP
Amin Majidi

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

DATE: October 20, 2023
Updated December 11, 2023
Updated January 8, 2024
Updated February 12, 2024

RE: Majidi Subdivision
21 Whippoorwill Road
Section 107.04, Block 1, Lot 11

As requested, KSCJ Consulting has reviewed the subdivision plan and supporting documents submitted in conjunction with the above-referenced project. The applicant is proposing a two (2) lot subdivision of an existing 6.2 acre, single-family lot improved with a residence, pool and pool house. The existing residence, pool and pool house are proposed to remain on Lot 1, a proposed 4.17 acre parcel with driveway access off of Whippoorwill Road. The proposed 2.03 acre Lot 2 is currently undeveloped. The proposed lot will include a new residence along the Whippoorwill Road frontage with driveway access off of Whippoorwill Road and a subsurface sewage disposal system within the southwest portion of the lot. Water service will be provided by a connection to the Water District #5 water main in the vicinity of Whippoorwill Lane. A water service easement is proposed through Lot #1 and an adjacent parcel. The 6.2 acre property is located in the R2A Zoning District.

Our comments are outlined below.

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GENERAL COMMENTS

1. The applicant should prepare and submit a Zoning Compliance Plan, which documents the deductions required on each proposed lot in arriving at net lot area. The applicant should also include on the plan the contiguous buildable area for each lot.

Comment addressed.

2. The plans and plat shall clearly illustrate the area noted “Reserved for Street Realignment (or Widening) Purposes”, as provided on the approved Final Subdivision Plat entitled “Final Subdivision of Property prepared for Michael S. Bruno, Jr. & Margaret Price Bruno”, dated (last revised) December 20, 2013; and as required by Section 275-27B of the Town Code. The Bulk Zoning Table shall be amended to illustrate the net lot areas (Lots 1 and 2) having been adjusted accordingly to accommodate for the reduction in area and setbacks. It is noted that areas reserved for road widening may not be counted in satisfying yard or area requirements.

Comment addressed.

3. There appears to be an off-site, locally regulated wetland which borders the east side of Whippoorwill Road. The applicant will need to illustrate the limits of the wetland and associated 100-foot buffer. The wetland boundary shall be delineated by the applicant and verification by the Town Wetland Consultant. If the wetland boundary is within 100 feet of the proposed site access, a Wetland Permit Application should be submitted, and application referred to the Town Conservation Board for their review and recommendation.

The applicant has delineated the wetland boundary, which has been verified by the Town Wetland Consultant. The proposed driveway construction, electric service and sight line clearing will be located within the wetland buffer. The applicant will be required to obtain a Wetland Permit from the Planning Board. Disturbances within the wetland buffer will require the applicant to prepare a Wetland Buffer Mitigation Plan for the project. The application should be referred to the Town Conservation Board for their review and recommendation.

A note should be placed on the Final Subdivision Plat stating that development of Lot #1 shall require the preparation and approval of a Wetland Buffer Mitigation Plan and Application for a Local Wetland Permit from the Township for any work within 100 feet of the local wetlands.

4. The applicant shall prepare preliminary subdivision construction plans that demonstrate the feasibility of the proposed lot. The plot plans shall include all requirements outlined in Chapter 275-34 of the Town Code. The plan shall include a driveway profile to demonstrate compliance with Section 355-59B(1) of the Town Code and grading for the driveway, residence and septic system.

The applicant has submitted a driveway profile and site grading. The driveway profile should be revised to reflect a maximum entrance platform grade of 4%.

The applicant has amended the driveway profile to comply with Town regulations. Comment addressed.

5. Prior to Final Subdivision Approval, the applicant will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 173 – Stormwater Management of the Town Code. Soil testing shall be performed by the applicant and witnessed by this office.

The applicant has requested postponement of preparing a SWPPP, until the time of Application for Site Plan Approval. A preliminary analysis of the stormwater system has been prepared by the applicant in an effort to confirm that adequate area is available to accommodate a stormwater mitigation system in the future. The system includes the use of a Cultec infiltration system within the rear yard. Our comments with regard to stormwater mitigation follow:

- The stormwater analysis evaluated a 25-year storm event. The applicant should revise the analysis to address a 100-year storm event.

The applicant states that the system was amended to address the 100-year storm event, however, calculations were not provided and the size of the system appears unchanged.

The applicant has updated the design calculations to address the 100-year, 24-hour storm event. Comment addressed.

- The proposed drainage area is stated as 0.21 acres in area, while the existing drainage area is 0.11 acres. The applicant should explain this difference.

The applicant states that the calculations were amended, however, the amended calculations were not submitted.

Amended calculations have been submitted and the stormwater mitigation system expanded to mitigate the 100-year storm event. Comment addressed.

- The proposed stormwater treatment system will be installed at a depth of eight (8) feet below grade. Such conditions will require soils with no bedrock or groundwater down to a depth eleven (11) feet below existing grade. The applicant should perform soil testing within the area of the proposed stormwater treatment system to verify that adequate soil conditions exist to mitigate the stormwater.

The applicant requests performing soil testing at a later date. Testing is necessary to confirm that mitigation can be provided as proposed, and therefore should be performed prior to subdivision approval.

Testing was performed on January 17, 2024. Depth to bedrock was determined to be six (6) to seven (7) feet below grade and percolation rates of 15 minutes per inch were obtained. Comment addressed.

- Stormwater discharge from the treatment system is directed towards the neighboring residence to the west. Stormwater discharge should be dispersed in a direction which will not impact neighboring homes.

The applicant notes that discharge from the site will be reduced upon installation of the stormwater mitigation. Discharge in the proposed condition, however, will be a concentrated point discharge which is directed at the neighboring home. The point discharge should be dispersed in a direction which will not impact neighboring homes.

6. The applicant shall prepare a Sediment and Erosion Control Plan that illustrates erosion controls, including, but not limited to, temporary access, silt fencing, soil stockpiles, limits of disturbance, construction sequencing, etc.

Comment addressed.

7. **The applicant will be required to obtain approval from the Westchester County Department of Health (WCHD) for the subdivision, as well as for the proposed on-site wastewater treatment system (OWTS).**

8. The applicant shall provide sight distance profiles for the proposed driveway demonstrating adequate sight lines for a minimum distance of 200 feet in each direction, as required by the Town Code. The plans shall illustrate any proposed site improvements required to achieve the sight distance.

Sight lines to the south viewing oncoming traffic from the south, from the proposed driveway and sight lines for vehicles traveling from the south viewing vehicles turning into the proposed driveway from the south is restricted by vegetation and grades along the property frontage. The applicant is using a driver's eye elevation of 580 feet; however, the actual elevation appears closer to 578.5 feet. The applicant should prepare a detailed plan of how safe sight lines of 200 feet can be obtained.

The applicant should examine relocating the driveway curb cut further to the north in the vicinity of the proposed northern property line, where sight lines could likely be obtained with much less clearing and grading to the south.

The applicant has shifted the driveway entrance to the north, however, not a sufficient distance to provide safe stopping sight lines for vehicles traveling northbound on Whippoorwill Road. The curve along Whippoorwill Road South of the driveway is in close proximity to the driveway entrance. Drivers from the south will not see a vehicle stopped within the roadway waiting to turn into the driveway until they have rounded the curve. I have driven this road every day for over 30 years and know a drivers eye is focused on the narrow curve ahead and not activity 90 degrees to their left. The applicant should relocate the driveway entrance further to the north adjacent to the northern property line, a distance which will avoid the necessity of removing the stone wall along the property frontage.

The applicant has relocated the driveway entrance at Whippoorwill Road to the north which results in improved sight lines extending to 200 feet in each direction. Comment addressed.

9. **Water service to the proposed residence will require an easement across Lot #1 and an adjacent parcel at the corner of Whippoorwill Road and Whippoorwill Lane. The applicant should prepare the easements, which shall be illustrated by metes and bounds on the Subdivision Plat. Prior to Final Approval, the applicant should provide proof that the easements have been executed and filed within the Westchester County Clerk's Office Division of Land Records.**

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10. The applicant should also confirm the water service connection point with the Town Water & Sewer Department prior to preparing the easements.

Comment addressed.

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 JANUARY 19, 2024:

- Cover Sheet (C-000)
- Existing Conditions Map (C-010)
- Zoning Compliance Plan (C-020)
- Integrated Plot Plan (C-100)
- Site Subdivision Plan (C-110)
- Gross Land Coverage Calculation Plan (C-120)
- Conceptual Grading and Utilities Plan (C-200)
- Conceptual Sediment & Erosion Control Plan (C-300)

JK/dc