

**MEMORANDUM**

TO: North Castle Planning Board

CC: North Castle Conservation Board  
Adam Kaufman, AICP

FROM: David Sessions, RLA, AICP *DS*  
KSCJ Consulting  
Town Wetland Consultants

DATE: May 13, 2024

RE: Marcela Yepes & Nicolas Cuadros (Guadalupe Real Estate NY, LLC)  
41 Mead Road  
Section 109.01, Block 1, Lot 12

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As requested, KSCJ Consulting has reviewed the site plans and documents submitted in conjunction with the above-referenced project. The applicant seeks Site Plan Approval, an amended Tree Removal Permit, Wetland Permit Approvals to correct site and building construction issues, installation of a septic system and well in accordance with Westchester County Department of Health (WCHD) Rules and Regulations, to complete construction on the exterior of the residence with modifications to the previously approved site and exterior architectural plans, to complete construction/demolition/renovate interior space with modifications to the previously approved and installed interior architectural plans to accommodate an increase in bedroom count from four (4) to six (6) bedrooms, to remove and dispose off-site approximately 900 c.y. of previously excavated soil currently stockpiled on-site, and to restore/mitigate impacts from previous and currently proposed construction/disturbance. It should be noted that the prior owner and former contractor performed approximately 21,017 s.f. of additional disturbance in the wetland and/or adjacent area than was authorized under a previous Wetland Permit.

Our preliminary comments are outlined below.

**GENERAL COMMENTS**

1. It is recommended the Conservation Board conduct a site inspection of the property.

2. “Future Pool” is indicated on sheet “C-1 SITE PLAN” & dashed potential pool linework is shown on sheet “C-6 Sections 1”. The applicant shall confirm their intentions regarding said pool, as current intentions are not clear. If a pool is proposed more information is required and shall be submitted to properly review site improvements of this scope.
3. The following comments pertain to sheets “RP-1 Wetland Buffer Planting Plan” & “P-1 House Area Planting Plan”:
  - a. The drive and wall layout on the southeast corner of the garage area is inconsistent with the more recent C-Series drawings submitted to this office for review; please revise accordingly.
  - b. Conditions to the north of the main entrance walkway are inconsistent with the more recent C-Series drawings submitted to this office for review. It appears a walkway and stairs are missing. Please revise accordingly.

**WETLAND MITIGATION COMMENTS**

1. The Town’s Wetland Consultant has confirmed the wetland boundary indicated on submitted plans to be accurate.
2. A table shall be provided on the wetland mitigation plan(s) indicating the following:
  - a. Previously approved s.f. of site disturbance.
  - b. Previously disturbed s.f. site disturbance.
  - c. Currently proposed s.f. of site disturbance.
  - d. Total s.f. of mitigation proposed to achieve the 2:1 mitigation requirement against s.f. of site disturbance previously performed and currently proposed.
3. An illustration/diagram depicting all items mentioned in Item #2 above shall be provided as an overlay on the mitigation plan(s) or another equivalent plan.
4. This office has the following comments based on a site visit conducted on May 2, 2024:
  - a. Sheet “C-4 EROSION AND SEDIMENTATION CONTROL PLAN” indicates the following:
    - i. The note “600 CY of existing fill material, dispose of off-site, grade, and place 4” of topsoil” points to an outlined area just south of the proposed driveway. This area has (4) trees which are indicated to remain on plan. Most of the trees in this area have large amounts of fill placed all the way up against their trunks within their

overall & critical root zone areas. Crown dieback/stunted/compromised leaf growth on some or all the branches was observed. If current conditions persist these trees may not survive. Refer to comment '5. b.' below for additional information.

1. Said trees are, (2) 18" Maples, (1) 16" Locust, (1) 18" Twin Maple.
  - b. Sheet "C-2 GRADING AND UTILITY PLAN" indicates "Trees are not permitted within 10 feet of the primary septic system."
    - ii. The existing tree labeled "24 Triple Maple" located within the subject property southeast of the proposed primary septic fields measures inside the 10 foot threshold. Additionally, grading is proposed underneath the drip line on the downhill side of trunk where much of the root system most likely exists. Finally, crown dieback/stunted/compromised leaf growth was also observed on this tree.
      1. As a result, this tree should be added to tree removals lists indicated on sheet "RP-1" Wetland Buffer Mitigation Plan and their removal/disturbance shall be mitigated accordingly.
  - c. Disturbance off-site onto property labeled "N/F EDGAR REALTY INC." was observed as well as observed via satellite imagery. The applicant shall quantify disturbance and proposed required 2:1 mitigation for disturbance in the wetland. Additionally, the proposed mitigation measures need to be included in the required New York State Department of Environmental Conservation (NYSDEC) Wetland Permit application. Said mitigation and restoration measures shall require prior written authorization from the neighboring property owner.
5. The following comments apply to sheet "RP-1 Wetland Buffer Planting Plan":
- a. Native Rain Gardens shown are inconsistent with proposed Bio Retention/Rain Gardens shown on more recent C-Series drawings submitted to this office for review. More specifically, Bio Retention/Rain Garden #1 & #2 appear to be inconsistent sizes and inconsistent locations & Bio Retention/Rain Garden #3 is missing. Please coordinate and revise accordingly.
  - b. The (4) trees indicated to remain mentioned above in comment '4.a.i.' will most likely not survive proposed site grading beneath their canopy indicated on sheet "C-2 GRADING AND UTILITY PLAN" (in addition to the fill and fill removal proposed). These trees should be

realistically evaluated against the previous work, proposed work, and their current condition of decline. If they survive construction, they most likely will die soon after and proposed mitigation plantings beneath will have altered sun and water availability. This office's recommendation is to remove the fill under these trees immediately, and restore existing conditions to the (4) trees root zones OR remove these (4) trees as part of the tree removal plan and mitigate accordingly.

- c. Trees listed as "Removed beyond 2022 permitted plan" shall be located on the current plan(s).
  - d. A low boulder wall to the northeast of the proposed patio is not accounted for and the proposed planting plan shall be modified accordingly.
  - e. Proposed mitigation plantings are not consistent with the "Existing Disturbance Line" indicated on sheet "C-9 Restoration area plan". It appears mitigation plantings are not extending to said line and more mitigation plantings should be added to account for 2:1 mitigation in disturbed areas. Required s.f. of 2:1 mitigation needs to be recalculated based on the documented disturbed areas. Please coordinate accordingly.
6. As a result of the proposed site work and landscaping within the identified conservation easement, the applicant shall confirm all allowable site improvements, landscaping, and future maintenance and monitoring practices based on the filed conservation agreement. A list shall be submitted to this office for review.
  7. A revised or new NYSDEC Wetland Permit will be required for prior disturbances above the approved limit/new disturbances to the wetland and the 100' adjacent area of NYSDEC Wetland K-30. In addition, the applicant should contact the NYSDEC for accurate confirmation of the NYSDEC Wetland K-30 boundary and obtain an NYSDEC validation block, which shall be included on plan(s) submitted by the applicant. Please provide the requested/required information.
  8. A planting cost estimate indicating cost of plant material, which shall include budgetary numbers for plant material, plant installation, and minimally a one-year survival guarantee, has not been submitted to this office for review. In addition, a monitoring and maintenance cost estimate indicating cost of implementing the prescribed monitoring and maintenance plan for new plantings and invasive species removal for a total of (5) years post construction has not been submitted to this office for review.

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

**PLANS REVIEWED, PREPARED BY ALTERMATT ENGINEERING, LLC, DATED APRIL 25, 2024:**

- Site Plan (C-1)
- Grading and Utility Plan (C-2)
- Grading and Utilities Details (C-3)
- Erosion and Sedimentation Control Plan (C-4)
- Erosion and Sedimentation Control Details (C-5)
- Sections 1 (C-6)
- Sections 2 (C-7)
- Sections 3 (C-8)
- Restoration Area Plan (C-9)
- Gross Land Coverage Worksheet (C-10)

**PLANS REVIEWED, PREPARED BY JAY FAIN & ASSOCIATES, LLC, DATED APRIL 25, 2024:**

- House Area Planting Plan (P-1)
- Wetland Buffer Planting Plan (RP-1)
- Wetland Buffer Details (RP-2)

DJS/dc