


MEMORANDUM

TO: North Castle Planning Board

CC: North Castle Conservation Board
Adam Kaufman, AICP
David Lombardi, P.E.
Paul Sysak, R.L.A.

FROM: Joseph M. Cermele, P.E., CFM 
Kellard Sessions Consulting
Consulting Town Engineers

DATE: June 5, 2020

RE: A & R Real Estate Holdings Proposed Warehouse
100 Business Park Drive
Section 108.03, Block 1, Lot 51

As requested, Kellard Sessions Consulting has reviewed the letter request submitted in conjunction with the above-referenced project. The applicant is currently before the Planning Board for Amended Site Plan Approval for the construction of a single story, $\pm 74,850$ s.f. warehouse on the undeveloped portion of the site. The site is currently developed with a $\pm 62,800$ s.f. light industrial/warehouse building and associated off-street parking. Associated improvements for the proposed warehouse include off-street parking, access driveways, loading areas, compensatory storage basins to off-set floodplain development, wetland mitigation and stormwater management facilities. The plan proposes to land-bank 44 of the 63 required off-street parking spaces. At this time, the applicant is requesting the ability to import and temporarily stockpile approximately 5,000 cubic yards of fill from an off-site source to be used in the development of the warehouse project upon approval. The total area of the property is ± 11.3 acres and is located in the Planned Light Industry (PLI) Zoning District.

Our comments are outlined below.

GENERAL COMMENTS

1. The applicant has requested the ability to import fill material from an off-site source and temporarily stockpile it on-site for future use in the development of the proposed warehouse project, currently before the Planning Board. The anticipated duration of the temporary stockpile condition has not been described by the applicant. It is assumed that upon approval of the

proposed warehouse expansion project, that construction would start shortly thereafter. The Board should discuss whether the proposed temporary stockpiling plan is appropriate and consider the potential visual and environmental impacts associated with it, as well as the possibility of an extended duration of time for stockpiling should the project not be developed in the near future.

2. The proposal to stockpile approximately 5,000 cubic yards of material will result in a substantial earthen berm/embankment. If the Board is amenable to the proposal, we would request that the applicant be required to prepare a plan for your consideration, which would illustrate and define the extents of the proposed stockpile area, the overall height of the stockpile, required tree removal and whether any screening or interim vegetation measures would be implemented.
3. Similar to comments provided by this office with regard to the development of the warehouse expansion, the applicant will be required to demonstrate that certain minimum mitigation measures are provided with regards to environmental constraints including floodplain/floodway development, wetland and wetland buffer disturbance, tree removal and erosion and sediment control measures. Reference is made to our April 9, 2020 memorandum, which refers to various Town Code requirements, as it relates to the following:
 - a. The project site is located partially within the FEMA regulated floodway of the Byram River and the associated 100-year floodplain with a base flood elevation (BFE) of Elevation 370.0. As such, the applicant will be required to obtain a Floodplain Development Permit, demonstrating compliance with Chapter 177 - Flood Damage Prevention of the Town Code. Any fill should not be placed within the floodway. Fill stockpiled below the base flood elevation will require compensatory storage, as required by Section 177-14 B (3) of the Town Code. We note that the Existing Flood Storage Volume Analysis Plan, previously submitted, should be revised as noted in our prior memorandum.
 - b. The Byram River flows generally north to south along the eastern property boundary. This watercourse is a locally-regulated wetland, as well as a New York State Department of Environmental Conservation (NYSDEC) Class C(T) Stream. The 100-foot regulated buffer and adjacent area extends onto the property and potentially within the proposed stockpile area. A local Wetland Permit may be required.
 - c. The property is located within the check-zone of two (2) adjacent NYSDEC Freshwater Wetlands, Wetlands No. G-1 and G-2. The applicant shall provide confirmation from the NYSDEC, indicating whether a Freshwater Wetland Permit is required.
 - d. The Byram River is a Westchester County controlled stream. Any development within 100 feet of its banks will require a Stream Control Permit from the Westchester County Department of Public Works (WC DPW).

- e. The applicant should identify those trees likely to require removal for the stockpile area and construction access. The Planning Board will need to determine whether the tree removal is appropriate for the temporary action and if any plantings/screening would be required.
 - f. The applicant shall prepare an Erosion and Sediment Control Plan for review, illustrating and detailing temporary measures to protect the site and downgradient areas from erosion and sediment transport, construction staging and stockpile areas. Should the disturbances associated with the temporary fill plan exceed one (1) acre, the owner will be required to obtain coverage under the NYSDEC General Permit (GP-0-20-001) for Stormwater Discharge from Construction Activities.
4. As required by Chapter 161 – Filling and Grading of the Town Code, the owner will be required to provide soil manifests for all fill material delivered to the site stating the date of delivery, the origin of the fill, the type of fill and a representation that there is full compliance with 6 NYCRR, Part 360. Further, the owner will be required to hire an independent inspector, who shall be either a duly Licensed Engineer, a soil scientist or a representative of a New York State certified testing laboratory, independently provide certification that the fill delivered is in compliance with 6 NYCRR, Part 360 for Beneficial Use as General Fill. Specific reference to Part 360.13: Special Requirements for Pre-Determined Beneficial Use of Fill Material, details the required sampling protocol, analysis frequency and analytical parameters to analyze, including metals, PCBs/pesticides, semi-volatile and volatile organic compounds.

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.

DOCUMENT REVIEWED:

- Letter, prepared by J Group Designs, LLC, dated May 29, 2020

JMC/dc