



**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
17 Bedford Road  
Armonk, New York 10504-1898

Telephone: (914) 273-3542

Fax: (914) 273-3554

[www.northcastleny.com](http://www.northcastleny.com)

**PLANNING BOARD**  
Christopher Carthy, Chair

**R E S O L U T I O N**

**Action:** Site Plan and Wetlands Permit Approvals  
**Application Name:** 9 Sterling Road N [#19-017]  
**Applicant/Owner:** Hugh and Violeta Harris  
**Designation:** 108.02-1-58  
**Zone:** R-2A  
**Acreage:** 2 acres  
**Location:** 9 Sterling Road N  
**Date of Approval:** March 25, 2024  
**Expiration Date:** March 25, 2025 (1 Year)

WHEREAS, the Applicant is proposing a new pool and patio located in the Town-regulated wetland buffer; and

WHEREAS, this property was previously referred for Planning Board site plan approval by the RPRC; and

WHEREAS, in connection with the proposed development, the Applicant has submitted the following plans:

- Plan labeled “1 of 4,” entitled “Existing Conditions Plan,” dated March 13, 2020, last revised March 25, 2023, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “2 of 4,” entitled “Site Plan w/ Approved SSDS,” dated March 13, 2020, last revised March 25, 2023, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “3 of 4,” entitled “Proposed Coverage Plan,” dated March 13, 2020, last revised March 25, 2023, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “4 of 4,” entitled “Construction Details,” dated March 13, 2020, last revised March 25, 2023, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “1 of 3,” entitled “Existing Conditions Plan,” dated March 13, 2020, last revised October 17, 2022, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “2 of 3,” entitled “OWTS Construction Plan,” dated March 13, 2020, last revised October 17, 2022, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “3 of 3,” entitled “Details,” dated March 13, 2020, last revised October 17, 2022, prepared by Nathaniel J. Holt, P.E.
- Plan labeled “L-701,” entitled “Mitigation/Planting Plan,” dated November 4, 2020, last revised October 31, 2022, prepared by Yost Design Landscape Architecture.
- Plan labeled “L-801,” entitled “Details Sheet,” dated November 4, 2020, last revised October 31, 2022, prepared by Yost Design Landscape Architecture.

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WHEREAS, the proposed inground pool is located entirely in a Town-regulated wetland buffer; and

WHEREAS, recreational amenities located entirely in an undisturbed wetland buffer are highly scrutinized; and

WHEREAS, the site depicts 15,352 square feet of Town-regulated wetland buffer disturbance and a 33,379 square foot wetland buffer mitigation plan has submitted; and

WHEREAS, the mitigation plan proposes to remove invasive species and the planting of new material by hand; and

WHEREAS, the Applicant prepared a wetland functional analysis and discussed the functional analysis with the Conservation Board; and

WHEREAS, the Conservation Board in an August 3, 2023 memorandum to the Planning Board recommended approval of the requested wetlands permit; and

WHEREAS, the site plan does not depict Town-regulated steep slope disturbance; and

WHEREAS, the site plan does not depict Town-regulated tree removal; and

WHEREAS, the previously proposed amount of gross land coverage (15,981 square feet) exceeds the maximum amount permitted by the Town Code (13,435 square feet); and

WHEREAS, the Applicant obtained the required variance from the Zoning Board of Appeals on February 1, 2024; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing on March 25, 2024, with respect to the site plan and wetlands permit, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, the Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board has inspected the site and is familiar with the nature of the site, the surrounding area, and the proposed development; and

WHEREAS, the Planning Board has requested, received, and considered comments from the Town Attorney, Town Engineer, and Town Planner regarding the proposed development; and

WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application; and

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NOW THEREFORE BE IT RESOLVED, that the application for site plan and wetlands permit approvals, as described herein, are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan and wetlands permit approvals shall expire one (1) year after the date of this resolution unless all of the conditions and modifications identified below have been substantially completed or an extension of time has been requested by the applicant or granted by the North Castle Planning Board.

**Prior to the Signing of the Site Plan:**

*(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_ 1. The gross land coverage calculations worksheet and backup data should be updated to reflect the most recent submission to the satisfaction of the Planning Department.
- \_\_\_\_\_ 2. The site plan shall be revised to depict the removal of the existing retaining wall located in the Seymour Place West right-of-way to the satisfaction of the Planning Department.
- \_\_\_\_\_ 3. The submitted site plan shall be revised to depict the proposed pool, pool fence and equipment locations to the satisfaction of the Planning Department and Town Engineer.
- \_\_\_\_\_ 4. The mitigation plan shall be revised to eliminate Witch Hazel plants proposed for mitigation and replace with alternative native species to the satisfaction of the Town's Wetland Consultant.
- \_\_\_\_\_ 5. The Applicant shall prepared a a long-term Wetland Maintenance and Monitoring Plan (5-year) to the satisfaction of the Town's Wetland Consultant.
- \_\_\_\_\_ 6. The pool deck has changed to a trex deck with a pre-treatment gravel/infiltration practice below. The pre-treatment practice is located within 50 feet of the proposed septic. The septic plan does not include the pre-treatment practice. The applicant shall provide verification, to the satisfaction of the Town Engineer, from the Westchester County Department of Health (WCHD) that the pre-treated practice is acceptable within the septic setback.
- \_\_\_\_\_ 7. The site plan shall be revised to provide a retaining wall design for the proposed wall surrounding the proposed pool to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 8. The applicant shall provide the pool deck pre-treatment detail referenced on Sheet 4 of 4 within the Engineer's plan package.

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The applicant shall update the stormwater analysis, as follows, to the satisfaction of the Town Engineer:

- Use consistent runoff curve numbers for permeable patio pavers and driveway permeable pavers, both RCN values should be 88.
- Existing lawn area is not poor grass coverage and therefore, should have a lower RCN value for good lawns.
- Detail for the pre-treatment under the deck has not been provided within the plans submitted, however, if it is gravel, the RCN value should be between 88 and 95.
- Pool area must be included within the runoff numbers, since a pool cover can be installed at any time. Please use RCN of 98 for the pool.
- The applicant is proposing to mitigate stormwater by adding infiltration units to the existing infiltration practice located on the north side of the residence, by adding an infiltration unit with drain below the proposed permeable paver patio and applying a credit for previous changes to the driveway from an asphalt surface to permeable pavers. It appears that such mitigation should more than compensate for the increase in runoff from the project. The applicant, however, should revise the stormwater computations as requested above.

\_\_\_\_\_9. The retaining walls to the north of the driveway were constructed without prior approval. The site plans indicate the walls will be lowered to a maximum height of four (4) feet. However, it is unclear how this will be achieved. The walls, as constructed, will require certification by a NYS Licensed Professional Engineer.

\_\_\_\_\_10. The proposed limit of disturbance shall be illustrated and quantified on the plans and include all areas of proposed disturbance and development to the satisfaction of the Town Engineer. The plan shall note that the limits will be staked in the field prior to construction.

\_\_\_\_\_11. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.

\_\_\_\_\_12. The Applicant shall submit to the Planning Board Secretary one PDF set of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

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**Prior to the Issuance of a Building Permit:**

*(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_ 1. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 3. Payment of all outstanding fees, including professional review fees.

**Prior to the Issuance of a Certificate of Occupancy/Compliance:**

*(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_ 1. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_ 2. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping/mitigation shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- \_\_\_\_\_ 3. The submission to the Town Building Inspector of an "As Built" site plan.

**Other Conditions:**

1. All initial pool fillings (after construction or repair) and all subsequent pre-season yearly pool fillings (not including water loss during the season) shall be completed using off-site trucked in water. In no circumstance shall the public water supply or a private well be used for initial pool fillings and/or pre-season yearly pool fillings.
2. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
3. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.

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4. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
5. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Building Department and Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.
6. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
7. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.
8. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
9. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the Westchester County Best Management Practices for Construction and Related Activities.
10. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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APPLICANT, agreed and understood as to contents and conditions, including expiration, contained herein

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hugh Harris

\_\_\_\_\_  
Date

\_\_\_\_\_  
Violeta Harris

NORTH CASTLE PLANNING OFFICE,  
as to approval by the North Castle Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseline Huerta  
Planning Board Secretary

KSCJ CONSULTING  
As to Drainage and Engineering Matters

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseph M. Cermele, P.E.  
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP  
As to Form and Sufficiency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christopher Carthy, Chairman