



TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD

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DATE: June 24, 2021

MEMO TO: Christopher Carthy, Chairman  
& Planning Board members

FROM: Jane Black, Co-Chair  
John Krupa, Co-Chairman

RE: Wetlands Permit –NOT Approved  
9 Sterling Road N.  
Sec. 108.02, Blk. 1, Lot 58

The applicant and his representatives appeared before the Conservation Board on January 19, 2021, March 16, 2021, April 20, 2021 and May 18, 2021. The application includes the construction of a new pool, patio and legalization of previously constructed retaining walls. The associated improvements include construction of a stormwater mitigation system, removal of an existing septic system, and construction of a new septic system. The total area of the property is 2+/- acres and is located in the R-2A Zoning District.

The applicant had previously appeared before the RPRC in June 2018, and had appeared before the Planning Board, prior to appearing before the Conservation Board. The original application required a side-yard setback variance and wetland permit. To avoid the need for a side-yard variance, the applicant amended the plan by moving the pool to the area where the existing septic system is located. This modification required a septic system location where the proposed septic and pool would both be located within the locally regulated 100 ft. wetland buffer.

The entirety of the project site is within the locally regulated 100 ft. wetland buffer. The project will result in 15,352 sq. ft. of disturbance within the wetland buffer. In accordance with Chapter 34- Wetlands and Watercourse Protection of the Town Code, the applicant is required to provide 2:1 mitigation for unavoidable disturbance to the wetland and wetland buffer, where 30,704 sq. ft. of wetland buffer mitigation is proposed. The Westchester County Health Department (WCHD) has recently denied construction of a septic system in the wetland buffer and has acknowledged the inability to approve such projects. The applicant has not provided approval by the WCDH for the proposed action.

At the May 18, 2021, regular meeting of the Conservation Board, the Board voted in a split decision, with four (4) votes voting for a negative recommendation against the project and two (2) votes for a positive recommendation in favor of the project.

A majority of the Board members were critical of the fact that the proposed pool is a non-essential amenity located entirely in the wetland buffer. Those Board members said that the wetland is positioned in a critical location and allowing this project to proceed would have a negative impact on the wetland and local environment.

The minority voting in favor of the project felt that the applicant had been very responsive to Conservation Board suggestions and had accordingly revised the plans numerous times. As a result of those modifications, the pool was relocated very close to the house with retaining walls along two sides to minimize grading in the buffer. An extensive mitigation plan with the planting of native species was proposed for this highly disturbed property. The pool's location would be in an area that is already disturbed with a failing septic system. Although the minority was concerned with location an amenity totally within the wetland buffer, they felt that the extensive mitigation of a disturbed property led to an overall improvement in the buffer.

The Conservation Board is hereby issuing a Negative Recommendation of Approval to the Planning Board for the proposed action at 9 Sterling Road North.

JB/JK/JAM

cc: H. Harris  
N. Holt  
B. Yost  
A. Kaufman, Town Planner  
R. Baroni, Town Attorney  
A. Simon, Town Clerk  
M. Norden, Town Wetlands Consultant  
J. Berra, Town Board Liaison  
Conservation Board