



**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
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**PLANNING BOARD**  
Christopher Carthy, Chair

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

**Action:** Site Plan, Wetlands Permit, Steep Slope Permit and Tree Removal Permit Approvals  
**Application Name:** 14 Tallwoods Road [#2023-025]  
**Applicant/Owner:** Christian Jungers & Michelle Starr  
**Designation:** 107.02-1-17  
**Zone:** R-2A  
**Acreage:** 2.3 acres  
**Location:** 14 Tallwoods Road  
**Date of Approval:** January 22, 2024  
**Expiration Date:** January 22, 2025 (1 Year)

WHEREAS, the Applicant is seeking the construction of an 18' x 38' inground swimming pool with associated equipment and stormwater mitigation/pool drawdown system; and

WHEREAS, this project was referred by the RPRC to the Planning Board; and

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

- Plan labeled "C-101," entitled "Overall Site Plan," dated June 26, 2023, last revised November 27, 2023, prepared by DTS Provident Design Engineering, LLP.
- Plan labeled "C-102," entitled "Construction Plan and Cross Sections," dated June 26, 2023, last revised November 27, 2023, prepared by DTS Provident Design Engineering, LLP.
- Plan labeled "C-103," entitled "Erosion Control Details and Notes," dated June 26, 2023, last revised November 27, 2023, prepared by DTS Provident Design Engineering, LLP.
- Plan labeled "C-104," entitled "Stormwater Details," dated June 26, 2023, last revised November 27, 2023, prepared by DTS Provident Design Engineering, LLP.
- Plan labeled "WL-1," entitled "Wetland Mitigation Plan," dated June 12, 2023, last revised November 6, 2023, prepared by Benedek & Ticehurst Landscape Architects & Site Planners, P.C.

WHEREAS, the site plan depicts the removal of 2 Town-regulated trees; and

WHEREAS, the site plan depicts no Town-regulated wetland disturbance; and

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

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

WHEREAS, the plans have been revised to reduce the size of the pool and revised the grading plan to minimize disturbance as compared to the original plan; and

WHEREAS, the site depicts 3,883 square feet of Town-regulated wetland buffer disturbance and a 9,344 square foot wetland buffer mitigation plan has submitted; and

WHEREAS, the site plan depicts 182 square feet of Town-regulated steep slope disturbance; and

WHEREAS, the pool is retained by a proposed 6.5 foot retaining wall; and

WHEREAS, the wall may be visible from 8 Tallwoods Road; and

WHEREAS, the plans have been revised to provide evergreen screening along the base of the wall. The proposed screening at the base of the wall should provide adequate visual mitigation to the neighboring property; and

WHEREAS, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing on January 22, 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 Conservation Board in a December 12, 2023 memo recommended the approval of the requested wetlands permit; 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

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

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BE IT FURTHER RESOLVED that, this site plan, wetlands permit and tree removal 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 Applicant shall provide construction details of the retaining walls, inclusive of design calculations for bearing, sliding and overturning to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. The plans shall note, to the satisfaction of the Town Engineer, that the Applicant shall retain the services of a Professional Engineer who will inspect the construction of the retaining walls and provide certification that the work is in conformance with the approved plans, prior to the issuance of a Certificate of Occupancy for the work.
- \_\_\_\_\_ 3. The applicant shall prepare a stormwater mitigation plan which mitigates stormwater runoff impacts from the proposed improvements to the satisfaction of the Town Engineer. The stormwater mitigation plan shall be accompanied by stormwater design calculations which mitigates peak flows during the 25-year, 24-hour design storm.
- \_\_\_\_\_ 4. As required by Town Code, the applicant shall provide a long-term monitoring and maintenance plan for the proposed wetland mitigation for a period of at least five (5) years to the satisfaction of the Town Engineer. The plan shall require an 85% survival rate. The Town Engineer will provide standard conditions for the long-term monitoring and maintenance plan to be included on the Site Landscaping and Wetland Mitigation Plan.
- \_\_\_\_\_ 5. The applicant shall submit a detailed quantity cost estimate for all improvements proposed for the wetland mitigation with the quantities certified by the applicant's engineer to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 6. Payment of all applicable fees, including any outstanding consulting fees, pursuant to the master fee schedule.
- \_\_\_\_\_ 7. 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. A Professional Engineer shall submit documentation confirming the inspection of the retaining wall work and provide certification that the work is in conformance with the approved plans to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_ 3. 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.
- \_\_\_\_\_ 4. 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.

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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.
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.

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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

\_\_\_\_\_  
Christian Jungers

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michelle Starr

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