



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

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**THE 463<sup>RD</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
ZOOM MEETING  
MARCH 16, 2021  
7:30 P.M.**

**Corrected**

**PRESENT:** Craig Benedict; Jane Black, Co-Chair; Andy Block; George Drapeau III; John Krupa, Co-Chair; José Berra, Town Board Liaison; Matthew Norden, Kellard Sessions Consulting.

**NOT PRESENT:** Adam Barnett

**GUESTS:** Peter Gregory, Kory Solomone, Esq., Richard Quigley and Nazar Massouh, owner, represented – 8 Cole Drive and 24 Davis Drive.  
Nathaniel Holt – represented – 2 Musket Court  
Glenn Ticehurst, Seth Ticehurst, Peter Gregory and Lisa Graff, owner, represented – 3 Middle Patent Road  
Nathaniel Holt – represented 9 Sterling Road N.

**I.MINUTES:** Minutes of the regular meeting, which was held on February 16, 2021, were approved as corrected. The motion was made by George Drapeau and was seconded by Jane Black. All were in favor.

**II. LAND USE: ACTIVE- 1. 8 Cole Drive & 24 Davis Drive** – Kory Solomone, Esq., Peter Gregory and Nazar Massouh, owner, represented this application, which is located at 8 Cole Drive and 24 Davis Drive. John Krupa announced that Craig Benedict has recused himself from this application as Mr. Masssouh is a client.

Mr. Gregory said that his client is looking to remove an existing driveway that serves 24 Davis Drive to accommodate the new lot line change. He showed the Board the new lot line on the shared plan via Zoom. Mr. Gregory said that the his client is looking to move the driveway further south to provide more space on Mr. Masssouh's property on 8 Cole Drive. He said that his client is looking to remove the entire existing driveway and to construct an entirely new driveway which will originate at the entrance of 24 Davis Drive. He added that as a result of the grading associated with the proposed driveway there will be disturbance to the wetland buffer and steep sloped areas. Mr. Gregory said that this plan has been modified several times over the past few months and when this Board attended the site walk the plan at that time included wetland disturbance. He said that the current revised plan does not include wetland disturbance. He showed the two wetlands, one of which is a pocket wetland, to the Board.

## **II. LAND USE ACTIVE- CONTINUED- 1. 8 Cole Drive & 24 Davis Drive**

Jane Black asked about the particulars of the driveway itself. Mr. Gregory said that the driveway re-grading would have entered into the south wetland by the driveway. He added that in order to make the turn in the driveway they shifted the driveway further north to avoid the impacts to the two wetland areas. The rendering showed a significant change in grade and stopped at the entrance to the existing house. Mr. Gregory stated that as a result of this change there would be a total of 20,000 square feet of disturbance. He added that part of the mitigation proposal is a total of 40,000 square feet of restoration and mitigation plantings. Mr. Gregory said that a total of 55 trees will be removed and part of the restoration would include planting 97 deciduous and evergreen trees.

Mr. Gregory showed the mitigation plan to the Board. He said there are three components to the mitigation plan. He stated that the first component is the forest restoration for the removal of the existing 1,100 foot driveway area. The second component is the slope stabilization which includes driveway plantings that would take place in the graded sloped area on each side of the driveway as it crosses over the wetland and up to the house. The third component is screening planting which would include evergreen plantings along the property line. He added that this is the most impactful area with the existing driveway and will provide plantings in this area for screening purposes. Mr. Gregory said that in addition, the proposal includes a natural bottom channel bridging that would help alleviate any drainage in this area. The proposal also includes stormwater runoff mitigation in two areas, on the north side of the driveway and near the entrance area with an infiltration system to alleviate runoff onto the property.

Richard Quigley showed the Board a visual moving rendition of the ride up the driveway to the Board. The visual showed the sloped areas. Mr. Gregory showed the proposed bridged area off the Davis Drive entrance to the Board. He said that the rendering shows the restoration of the understory which currently doesn't exist. He referred to the mature trees as the visual rendering moved up the driveway. The rendering showed the side slope restoration and the incorporation of many existing boulders on the property. He said that that the plan was to integrate these boulders into the plan to naturalize or fit with the existing rock. Ms. Black asked how much fill would be brought onto the site and she asked about the amount of grade change. Mr. Gregory replied that at its greatest depth, the fill would be 20 feet deep; however he said that the bridging has reduced the amount of fill required. John Krupa asked if the plan that shows the amount of fill being used could be shown to the Board. Mr. Gregory showed the ridgeline and said looking backwards towards the existing stone wall provides a very good reference point for where the turn's location and the slope would be restored. He reiterated that the owner, Mr. Massouh is trying to achieve a naturalized project by incorporating the boulders on the site. Mr. Gregory showed what you would see from 8 Cole Drive and said you cannot see the entire site from the street. Ms. Black asked Mr. Gregory to show the bridging location. Mr. Gregory complied with the request. Mr. Krupa asked the Board if they had any questions about the visual rendering shown. Mr. Drapeau asked what the bridging is constructed with.

## **II. LAND USE ACTIVE: CONTINUED – 1. 8 Cole Drive & 24 Davis Drive**

Mr. Gregory replied that the bridging is a pre-cast concrete arched section in a horseshoe shape with an open bottom that would allow drainage to exit into an open corridor.

Mr. Drapeau asked if the amount of fill and number of trucking trips would be reduced. Mr. Gregory said yes, the fill would be reduced by half in this section. He said the estimate is about 2,000 cubic yards of material and this has been discussed with the Planning Board. He said that they had discussed the use of alternative fill by reducing the truckloads and had formerly proposed a geo-foam bridging which would have reduced the amount of fill being brought to the property. The Planning Board had voiced concerns on the long term effects of the geo-foam structure hence; the application now includes the bridging structure and the use of natural fill.

Mr. Gregory said that Mr. Massouh has proposed an addition to his house located on 8 Cole Drive. The proximity of this addition would allow the fill from that portion of the site to be used on the 24 Davis Drive property. He said that this addition would reduce the amount of fill being brought to the site by truck in half. John Krupa said he attended the presentation at the Planning Board meeting which discussed the formerly proposed geo-foam structure and asked Mr. Gregory to show the amount of fill plan that was shown to the Planning Board. Mr. Gregory showed the plan to the Board. He reiterated that the bridge will reduce the amount of fill being brought on the site. He said that the amount of fill being brought to the site would be 2,000 cubic yards. He said that the geo-foam structure would have reduced the amount of truck trips to the site; however the addition to the house on 8 Cole Drive will now address that. Mr. Gregory showed the proposed addition area which would provide fill on site. Mr. Massouh said yes, this is the big change to the plan and explained that he and his wife were not planning to address the addition at this time, but due to the many concerns about fill and trucking, they decided to proceed with the proposed addition. He added that they are going to try to generate as much fill on site as possible to minimize the quantity of fill trucked in. John Krupa told the Board that Mr. Massouh had requested that the Planning Board refer this application to the Conservation Board. He asked Mr. Massouh what his goal is by presenting to this Board. Mr. Massouh said that his goal is a long term goal as he has lived in the community since 2004 and has now purchased the adjacent property. He added that he is very keen to address the requirements, to improve the community, and to preserve the area and restore it to its natural state. He added that he wanted it to be achieved in a natural environmentally friendly way and wanted to achieve that goal with the advice of this Board. He added that he appreciated any feedback from the Board. Mr. Krupa said that Mr. Gregory understands the purview of this Board and said we should discuss the mitigation plan and wetland disturbances. He added that the buffer disturbance is 18,584 sq. feet and the proposal includes more mitigation plantings than what is needed to meet the requirements. He added that there are tree removals, but the proposal includes planting 97 trees. Ms. Black referred to the Kellard Session memo from Matt Norden, which questioned whether the driveway elevation could be done at the existing grade. She also asked about the comment concerning additional measures to protect the wetland.

## **II. LAND USE: ACTIVE- CONTINUED – 1. 8 Cole Drive & 24 Davis Drive**

Mr. Norden said that he was most concerned about the area where a header would be constructed and asked if the fill is adjacent to the wetland. Mr. Gregory replied yes, it is. Mr. Norden asked if an additional measure could take place during construction to protect the wetland. Mr. Gregory said yes, we don't have a problem with this. He added that this is the third or fourth reiteration of this plan and said that they have improved and reduced the disturbance to the wetlands with each revised plan. He added that yes, we can provide additional spacing to protect the wetland. Mr. Krupa asked Mr. Norden if he was referring to a physical structure or to provide alternatives. Mr. Norden said that reinforced silt fence could be utilized or a permanent fixture that could enhance and provide protection. Mr. Gregory said yes, we could use some of the boulders on the site. Mr. Massouh said yes, this area is the focus of the project and he wants to do the correct thing and not spare any expense. He referred to the question posed by Ms. Black. Mr. Norden asked if the driveway could remain at the existing grade. Mr. Gregory said that his client needs the length to climb the driveway and this area would soften the climb in the ascent at the top. Mr. Gregory said that the entrance is the low point with the driveway working its way up. The driveway exceeds a 14 percent grade and they are using the fill to reduce the grade. Mr. Massouh said that since he is going thru all of the expense he decided that it would make more sense to make the driveway safer and more usable as opposed to the current condition and said the former owner had multiple accidents.

José Berra asked how much blasting would be done in the area. Mr. Gregory said that there wouldn't be that much or any blasting done. He added that the majority of the project would be chipping. Mr. Berra asked if there would be a lot of chipping. Mr. Gregory said that the area is limited and thought it would be minimal. Mr. Massouh agreed with the statement. Mr. Drapeu asked about the trucking amounts to the property. He asked if there was enough room to allow for deliveries. Mr. Massouh said that most of the fill will now be provided within the two properties, which would reduce the trucking to the site. Mr. Gregory said that the addition at 8 Cole Drive will allow most of the fill to be provided on site and thought that the amount of fill from offsite would be about 1,000 yards of material. He added that he thought they could get 1,000 to 1,300 yards of material from 8 Cole Drive. Due to this concurrent project the amount of volume has been reduced. Mr. Massouh said that there have been four components proposed to reduce trucking. He said that the bridging of the steep slopes will reduce fill, excavation at the addition, and the excavation at the driveway removal. The combination of all the steps would reduce the amount of fill by at least 700 yards of material. He said that the first submission proposed included the fill amounts of 5,000 yards being brought to the site. Ms. Black asked how the house would be accessed during construction. Mr. Massouh said that they would temporarily use the driveway at 8 Cole Drive. Mr. Drapeau asked if the house was occupied. Mr. Massouh said that there are friends living in the house now, but the house will be empty during construction. Mr. Krupa asked Mr. Block if he had any questions.

## **II. LAND USE: ACTIVE- CONTINUED - 1. 8 Cole Drive & 24 Davis Drive**

Mr. Block said that he thought the applicant was conducive to the suggestions made and thought it was a lot of work to move a driveway. He said that he understood why the applicant was doing this and appreciated the efforts made.

Mr. Krupa asked if there is a key on the mitigation plan. Mr. Quigley said that there are many native plants proposed such as seeding for the steep slopes to create an understory. He added that they will install 97 deciduous trees. He added that soil and sediment controls will be implemented along with soil stabilization matting. Mr. Krupa asked if there are actual numbers of plants. Mr. Quigley replied no, this would be the next step. He referred to the memo sent from Kellard Sessions Consulting. He said that he would quantify the plant sizes for the plan. Mr. Krupa asked for the disturbance to be quantified on the plan as well. Mr. Quigley said that the limit of the grading is where the planting will be. Ms. Black asked if the plants are "deer proof". Mr. Quigley replied yes. He said that invasive species have flourished because the deer do not eat them. He added that there is an abundance of floribunda rose and euonymus. Ms. Black if there will be invasive removals. Mr. Quigley replied yes. Mr. Krupa asked if the invasive removals were part of the mitigation numbers provided. Mr. Quigley replied no. Mr. Krupa said that the plan seemed very thorough. Ms. Black agreed.

Mr. Krupa said that the disturbance and plants need to be quantified. Ms. Black said that there is a lot of disturbance on the site, but after the site walk understood why the applicant is proposing this application. Mr. Quigley said he hoped that the video rendering was helpful. The Board said yes, it was. Ms. Black said she liked the use of the boulders. Mr. Massouh agreed that he and his wife feel the same way. Mr. Krupa commended Mr. Massouh and his team. Mr. Krupa said he felt the Board needs to see a revised mitigation plan with the quantifications and a possible permanent protection structure to the wetland as discussed. He apologized that the applicant has presented so many times to the various Boards but felt that the Board needed to see a revised plan. Ms. Black said a culvert could be used in this area. Mr. Gregory agreed. Ms. Black said that the plan has been greatly improved since the site walk. Mr. Massouh asked if this could be done as a follow up and submitted or does this need to be presented at the next meeting. Ms. Black said that this is the first time that the Board has seen this plan and she felt that the Board needs to see quantifications of the mitigation areas and planting. Mr. Block asked about any wetland disturbances near the proposed addition. Mr. Massouh said he was having scheduling issues and added that this has been a year since the original application. He asked if the Board could vote subject to any conditions that need to be met. Mr. Krupa said he understood, but the Board needs to see the revised plan in order to make a vote. Mr. Massouh asked if they could be placed on the next Agenda if the plans were delivered by the three week deadline. The Secretary stated this is a retuning application; therefore it has a two week deadline. Mr. Massouh asked Mr. Gregory if he could submit in the next week. Mr. Gregory replied yes. Mr. Krupa apologized for holding up the application but said that the Board needs to see the plan in order to vote. Mr. Massouh said he understood and he wanted to follow the process.

## **II. LAND USE: ACTIVE – CONTINUED – 8 Cole Drive & 24 Davis Drive**

Kory Solomone, Esq. asked the Secretary when the two week deadline is. She replied that the two week deadline is April 6<sup>th</sup>. Mr. Krupa asked the Board if there were any comments.

The Board did not have any additional comments.

**2. 2 Musket Court** – Nathaniel Holt represented this project, which is located at 2 Musket Court. Mr. Holt said that the proposal includes placing a pool within the setback areas. He said initially, they had proposed a rain garden to alleviate any runoff. Mr. Holt said that they had scrutinized the As Built Survey and realized that they could shift the pool to deter encroachment into the buffer. The pool construction would encroach into the buffer for a total of 165 square feet. He added that the rain garden has been deleted from the plan and the typical 2 to 1 mitigation requirements have been proposed. Mr. Holt said that there is a note to restrict fertilizers and pesticide use. He added that the total planting actually equals a 3 to 1 mitigation ratio.

Ms. Black asked if the mitigation plan could be shown to the Board. Mr. Holt had a technical issue and was unable to share the plan. Mr. Krupa offered to show the plan to the Board from his computer. Mr. Holt showed the Board the proposed pool location, house, patio and septic field locations along with the setback lines. Ms. Black asked Mr. Holt to show the Board the buffer line. Mr. Holt asked the Board if they could see the wall by the patio. Ms. Black replied yes, she saw that it is a tiny portion of the stairs. Mr. Holt said that some of this area is paved, but it a total of 165 feet of encroachment into the buffer.

Ms. Black asked about the mitigation planting. Mr. Holt said that it was at the top of the sheet. Mr. Holt referred to the area which is 500 sq. feet and is located adjacent to the septic field. He explained that this area is proposed for mitigation as he is expanding the buffer. Ms. Black asked why there is no mitigation planting near the buffer. Mr. Holt said that there isn't a lot of opportunity for plantings so that is why he proposed the 500 sq. feet of additional buffer. He said that the plan has addressed the RPRC and Kellard Sessions Consulting memo that was issued. Matt Norden referred to the buffer expansion area and questioned why this was submitted as mitigation versus a planting plan. Mr. Norden asked Mr. Holt to consider the buffer expansion and some planting in the expansion buffer. Mr. Holt agreed. Mr. Norden asked about the reason for the buffer expansion area. Mr. Holt said that the practice was used to isolate the area as a no disturbance area and to commit to the adherence of no pesticide and fertilizer use in this area. Mr. Holt said if the Board would like to see something else in this area he would be willing to do that. Ms. Black said yes, the Board does like to see no fertilizer and pesticide use in these areas, but she would like to see some buffer enhancement planting. Mr. Holt agreed.

A motion for a positive recommendation based on items discussed being placed on the plan was made by Craig Benedict and was seconded by Jane Black. All were in favor of the motion.



## II. LAND USE ACTIVE:

**3. 3 Middle Patent Road** – Glenn Ticehurst, Seth Ticehurst, Peter Gregory and Lisa Graff, owner, presented this application, which is located at 3 Middle Patent Road. Glenn Ticehurst referred to the frigid site walk that was completed prior to this meeting. He said that the house on the property is surrounded by steep slopes. Mr. Ticehurst referred to the watercourse that runs through the property on the northern corner. He said that due to constraints, the only possible location for the pool would be in the front of the property, creating zoning issues. The area of the proposed pool is located off of the existing driveway. He added that this is the only semi flat area on the property for the pool location.

Mr. Block asked for the buffer lines to be shown to the Board. Mr. Gregory showed the Board the buffer lines on the plan via Zoom. Ms. Black said that the buffer is greater than 100 feet deep because of the steep slopes. Mr. Ticehurst said yes, that this was correct; the buffer line is 150 feet. Mr. Ticehurst said the proposed pool is about 18 x 40 in size with a small terrace and a spa on the northern side. He said that the mitigation proposed is adjacent to the wetland and is a considerable distance from the proposed pool. Seth Ticehurst showed the planting plan to the Board. Mr. Ticehurst showed the wetland locations and a stream to the Board. He said that the mitigation plantings would be located at the bottom of the slope and would include 975 perennials along the border of the wetlands. He added that they are proposing to remove 1, 870 sq. feet of invasive plants which include barberry and Japanese stilt grass. The plan includes planting jacob astor, turtle head, great blue lobelia, blue iris, ostrich fern and cinnamon fern. Mr. Ticehurst said that the plan exceeds the 2 to 1 mitigation requirements. John Krupa asked if the plants are in the actual wetlands. Mr. Ticehurst replied yes. Ms. Black asked where the pond is located. Mr. Ticehurst showed the Board the pond location.

Glenn Ticehurst stated that the proposed pool location has easy access from the driveway for construction purposes. He stated that the amount of steep slopes and the vicinity of the wetlands deter the pool from being located in the rear of the house. Seth Ticehurst showed the Board the septic system location on the plan. Glenn Ticehurst said that the plan does include a small amount of re-grading to level the site. He said that the site is located on a bend in the street and wouldn't involve any visual impact to the neighbors. Ms. Black said that the buffer intrusion is relatively small and she approved of the wetland planting location because it would improve the wetland corridor. George Drapeau asked if any tree removals were to take place and if any trees were to be planted in their place. Seth Ticehurst said that 7 trees would be removed from the site and the proposal includes planting 9 trees. John Krupa said he was in favor of the planting at the buffer location, but asked the Board to state any concerns as he was unable to attend the site walk. Ms. Black said that Mr. Drapeau was the only other member to attend the site walk. George Drapeau said he went back to the site with José Berra and agreed that the planting location made sense to him. He added that it was ingenious. Mr. Benedict said he did not attend the site walk, but asked if the driveway has curbing. Lisa Graff, owner, replied no. Mr. Benedict asked if the pool would be lower than the driveway.

## **II. LAND USE ACTIVE: CONTINUED – 3. 3 Middle Patent Road**

Mr. Ticehurst said the pool would be lower than the driveway, so a small retaining wall would be constructed at that location to protect the driveway. In the construction phase; silt fence will be installed for erosion purposes. Mr. Drapeau asked if the applicant would have enough space for parked vehicles. Mr. Ticehurst said yes, vehicles can maneuver on the site. Mr. Krupa asked whether the existing impervious surface would be used as the pool location. Mr. Ticehurst said yes, half of the proposed constructed pool would be located in existing impervious areas. Ms. Black reiterated that it is the only flat surface on the site. Mr. Krupa said that the pool is situated in a good area. Mr. Drapeau stated that he liked the roofing on the house. Mrs. Graff said that the existing owner put the roof on the house, but the paperwork says that it is an architectural roof with gravel on it. Mr. Drapeau wondered if it had favorable environmental impacts. Matt Norden said that the stormwater system would flow to the roadway and was in favor of the planting location. He commended the work done by the Ticehursts. Mr. Krupa thanked Mr. Norden for his statement.

George Drapeau made a motion for a recommendation for approval and Craig Benedict seconded the motion. The motion was approved by the Board.

**II. LAND USE: ACTIVE – 4. 9 Sterling Road N.** – Ms. Black stated that Adam Barnett, Board member, was unable to attend this meeting. She added that the Secretary e-mailed Roland Baroni, Town Attorney, to ask if Mr. Barnett could vote on this application via proxy. Mr. Baroni replied no, a Board member could not vote on any application if she or she is unable to attend the meeting. Ms. Black said that it may be preferable to the applicant to wait until the April 20<sup>th</sup> Board meeting so that the entire Board can vote on the application. Ms. Black said that in her perspective, regarding the memo sent from John Fava, former Chair, she would like to see the addition of a retaining wall at the far edge of the pool, which would limit disturbance to that buffer area and that all plantings be done by hand and should be suitably sized for that. Mr. Block said that he thought that there are other considerations to add, including elevating the proposed pool. Ms. Black said that the pool is 100 percent impervious, even if raised, and the other pool discussed on another site was constructed that way because of proximity to an existing septic system, according to John Fava. John Krupa said that this was not what Christopher Carthy had stated. Mr. Block said that this was in the e-mail that John Krupa sent and it wasn't what was said by Mr. Carthy. He added that Mr. Carthy and Mr. Fava's input was meaningful to him and wanted to put it on the record. Mr. Krupa said that it seemed that if a vote were to take place any positive recommendations would be conditional upon the suggestions made by Mr. Fava. Ms. Black said yes, from her perspective. Mr. Krupa said that if the application were to be approved, it would have conditions. Mr. Krupa said that it would be beneficial to the applicant to wait until the April meeting so that a vote could be made with the entire Board present. Ms. Black said yes, the Planning Board has done this in the past. Mr. Block agreed and said to make sure that the applicant has the full scope of what Mr. Carthy and Mr. Fava suggested. Mr. Krupa agreed.



## **II. LAND USE: ACTIVE- CONTINUED – 4. 9 Sterling Road N.**

Ms. Block said that when a memo is issued it should state why some of the Board voted to approve the application and list why some of the Board voted against the application. Mr. Krupa and Mr. Benedict agreed. Mr. Krupa said he wondered what a possible vote of 3 to 3 to the Planning Board would result in. Mr. Drapeau said he felt it would add a lot of latitude for the Board to consider. Mr. Krupa agreed and thought that vote shouldn't be taken today because Mr. Barnett's vote is important for the outcome of the project. He added that the Board knows how he is voting but doesn't want to "win" on a technicality. Mr. Krupa said that he will ask Mr. Holt if he would like a vote to take place tonight.

Mr. Holt was informed of the Board's discussion. Mr. Holt said that Yost Design was supposed to join the discussion to show the Board aerial photos. The Secretary stated that a representative from Yost Design and Mr. Harris were not in the waiting room to be allowed in to the meeting. Mr. Holt said that he was happy to hear that Mr. Fava is doing well and said that he learned a lot from him. He added that he agreed with what Mr. Fava proposed in an e-mail sent to him. He said that Yost Design was going to show the neighboring property that pushed to wetland closer to his client's property. Ms. Black asked what changes were made to the plan. Mr. Holt said that the pool location was brought closer to the patio and the patio near the wetlands was entirely removed. Mr. Krupa stated that these changes were previously made for the last meeting and no new changes have been made. Mr. Holt said that he would like to discuss the changes that Mr. Fava proposed. Mr. Krupa said that his client needs to decide if he wants to continue with any changes financially and said that the Board will provide Mr. Holt with the changes that the Board would like to see. He added that the Board unanimously appreciates all of the hard work done on this project and understand the frustration by the homeowner. He informed Mr. Holt that a lot of discussion took place and the Board is deadlocked on a recommendation for approval. Mr. Krupa added that a member of the Board was unavailable this evening, which would result in a decision that may not be favorable to his client. Mr. Holt said that he would not ask the Board to vote tonight. Ms. Black said that if she were to vote in favor of the plan, she would want to see changes, including the addition of appropriately sized plantings that can all be planted by hand. She added that she favored the addition of a retaining wall at the far edge of the pool which would eliminate grading and lessen intrusion into the buffer. Mr. Holt said that he hadn't thought about the hand planting but it made sense to do that. He added that his client is a contractor and could build a retaining wall. Mr. Krupa said that he thought it would be a split vote next month provided these new changes are added to the plan. Mr. Holt said he understood. Mr. Block said an elevated pool should be considered. Mr. Holt asked Mr. Block to clarify his statement. Mr. Block referred to a comment made by another Board member that showed instances of partially or completely elevated pools. Mr. Drapeau said that he had suggested relocating the pool closer to the house as part of the house. He recommended perusing Architectural Digest to see a variety of pools that are located out of a wetland. He added that he thought it would behoove the client to peruse these options. Mr. Holt said he understood. Mr. Krupa said yes, it is less intrusive to the wetlands.

## **II. LAND USE ACTIVE: CONTINUED – 4. 9 Sterling Road N.**

Mr. Holt said that if the pool was rotated by 90 degrees, the constructed pool would not be as invasive and wondered if the Board would be amenable to this proposal. Ms. Black asked if the existing patio would be reduced. Mr. Holt said yes, he would have to speak to his client. Ms. Black said that any reduction of intrusion into the buffer would be helpful. Mr. Drapeau asked if there was a 50 foot setback issue for the pool itself. Mr. Holt said no, the only setback issue is 10 feet from the edge of the fields from the patio or 20 feet from the edge of the wall. Mr. Krupa said he thought Mr. Baroni said something different. Mr. Drapeau asked for clarification. Mr. Holt and Ms. Black explained the change that would be made if the proposed pool was rotated by 90 degrees. Mr. Krupa said that a pool is an amenity and is not a necessity and the less intrusion into the wetlands and wetlands buffer, the better. Mr. Holt said he would send a sketch of what was discussed.

## **III. LAND USE- PENDING**

1. 360 Main Street – No discussion.

2. 1 Kent Place – No discussion.

## **IV. WORK PROGRAM**

1. Website Improvements – Discussion – Mr. Krupa commended Mr. Block on the list of defunct links and thanked Mr. Benedict for submitting an updated deer resistant plant list for the town website. Ms. Black asked the Secretary if she could send an e-mail with a reminder of which subject was chosen so that each Board member has a reminder. The secretary replied that this has been done. Ms. Black asked the Board if they could work on the areas that were assigned for next month's meeting. The secretary told Mr. Benedict that a new link was sent via e-mail from the Town Clerk's office with a link that they felt was more favorable than the format that was previously sent.

2. Planning Board Report – Jane Black attended the February 22<sup>nd</sup> Planning Board meeting. Ms. Black sent out a synopsis of the meeting to the Board via e-mail. She said that the 3 Middle Patent Road, 360 Main Street and 1 Kent Place applications were discussed. Andy Block asked Ms. Black about the 360 Main Street application. She briefly referred to the building, parking spaces and stormwater treatment system. She stated that many of the gas station's existing parking spaces are town owned property.

2. Planning Board Report – George Drapeau attended the March 8<sup>th</sup> Planning Board meeting. He sent out a synopsis of the meeting to the Board via e-mail. Mr. Drapeau included a "tree score card" on his report.

**IV. WORK PROGRAM- CONTINUED -2. Planning Board Report** - He referred to an application located on Business Park Drive which would be repurposed with a proposed warehouse. He added that many trees are proposed for removal and would have a lot of impact on this area. A total of 51 trees are proposed for removal. Mr. Block asked if there was a company that has showed interest in renting this warehouse or was this being done on speculation. Mr. Drapeau replied that it is being done as a speculation. Mr. Berra asked how many square feet of the warehouse would be. Mr. Drapeau said the proposal is for 1,000 sq. feet. He added that the Byram River is north of this site. Mr. Berra referred to an article that said that local distribution centers are in big demand. A brief discussion continued.

3. RPRC Meeting – John Krupa attended the March 2<sup>nd</sup> RPRC meeting. A synopsis of this meeting was sent to the Board via e-mail. Mr. Krupa said that there were many generator permit applications. He said that the generator locations were mostly in the buffer. Ms. Black said that generators need to be located adjacent to the house. A brief discussion ensued. Mr. Krupa asked the Board if a memo should be sent to the Planning Board which would include support and concerns about this topic. Mr. Krupa made a motion to discuss this at the next meeting and to compile a memo. Craig Benedict seconded the motion. The motion passed.

3. RPRC Meeting – Andy Block attended the March 16<sup>th</sup> RPRC meeting. A synopsis of this meeting was sent via e-mail. Mr. Block said there were two minor issues which included a patio and a generator.

**V. NEW BUSINESS – “See Something- Say Something”** - Mr. Benedict read aloud a portion of an article in the “Bedford New Canaan” magazine that referred to the Summit Club. The article stated that Jeffrey Mendell said that a total of 300 trees are proposed for removal. Ms. Black said that the writer may have used information from the older plan submitted. Mr. Krupa said this was also in a golf magazine in prior months. Ms. Black said that we can check with the Planning Board about this statement. Mr. Benedict said it seemed that this was all current information stated in the article. The Secretary offered to contact the Planning Department for the updated information and would inform the Board of the outcome of the e-mail. José Berra said that this application was separated into two separate permits. Mr. Krupa said that he lives near this location and has heard of many tree removals. Discussion ensued. Mr. Block asked if the applicant can be contacted to provide accuracy when articles are written.

## **VI. CORRESPONDENCE & ANNOUNCEMENTS**

1. Acessory Apartment Bill – Mr. Drapeau brought up this bill which is before the Senate. Mr. Berra described the proposed bill to the Board.

## **VII. OLD BUSINESS**

1. Tree Ordinance- Discussion – A work session with the Planning Board to discuss the tree ordinance will be scheduled. George Drapeau suggested a 10 or 12 point plan for the discussion. Mr. Benedict suggested writing down some points and to discuss them at the next meeting. Ms. Black said that these should be sent to the Secretary to compile and send back to the Board. Mr. Krupa asked Mr. Berra if it would be beneficial to re-present to the Town Board. Mr. Berra said he thought it was best to discuss with the Planning Board first.

**VIII. ADJOURNMENT** – A motion to adjourn was made by Andy Block and was seconded by Craig Benedict. The motion passed. The meeting was adjourned at 10:24 P.M.

**IX. DATE OF NEXT MEETING: May 18, 2021.**

Julie Mucker, Secretary  
Conservation Board

File Name: Minutes31621