



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

17 BEDFORD ROAD  
ARMONK, NY 10504  
TEL: 914 273 0346  
FAX: 914 273 3554  
www.northcastleny.com

**THE 464<sup>TH</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
ZOOM MEETING  
APRIL 20, 2021  
7:30 P.M.**

**Corrected**

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

**NOT PRESENT:** All Board members were present at the meeting.

**GUESTS:** Peter Gregory, Richard Quigley, and Nazar Massouh, owner, - represented- 8 Cole Drive & 24 Davis Drive.  
Nathaniel Holt and Blythe Yost represented – 9 Sterling Road N.

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

**II. LAND USE: ACTIVE – 1. 8 Cole Drive & 24 Davis Drive -** Peter Gregory, Richard Quigley and Nazar Massouh, owner, presented this application, which is located at 8 Cole Drive and 24 Davis Drive. Craig Benedict recused himself from this application as Mr. Massouh is a client. This application was originally presented at the March 16, 2021 Conservation Board meeting.

Mr. Gregory shared the plan for the Board via Zoom. He said that this plan is the improved mitigation plan. He added that a drainage plan has been submitted to alleviate runoff when exiting the site. Mr. Gregory said that this iteration of the plan reduces the amount of fill being brought onto the site. He said that the fill will be brought from the proposed addition to Mr. Massouh's house located at 8 Cole Drive. Mr. Gregory said that the modular foam block that was proposed to reduce the amount of trucked in-in fill has been removed from the proposal. He said that the goal is to proceed in a more natural way and the truck trafficking entering the site will be reduced by using fill from the addition. Mr. Gregory said that they have been fine tuning the number of truck trips before and after the addition aspect and each time they have changed the plan it has been improved.

Mr. Gregory said that all three disturbed areas will be restored. The slope stabilization would include plantings on the slopes and shoulders of the proposed driveway.

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

The forest restoration would be located where part of the existing driveway was removed and the third part of the restoration includes screening by planting evergreen trees at 24 Davis Drive.

Mr. Gregory referred to the request by the Board to quantify the species, locations and sizes proposed for planting. He referred to the rendering and showed the Board the plant listing. He said that they recognize that there is initial disturbance to the property with construction; they felt that the amount of mitigation proposed would improve the property. He added that they felt that the property would be improved aesthetically and environmentally and would function in a better manner. Mr. Gregory said that the proposed plantings would blend in well with the natural landscape and it would be difficult to determine what is old and new in a few years.

Ms. Black said that the Board had asked for plant location and species to be placed on the plan and said that this has been provided. Mr. Krupa asked Mr. Gregory to show the plant list. Mr. Gregory complied with the request. Ms. Black stated that the summary table quantifies the buffer disturbance. Mr. Gregory said that a total of 20,000 square feet of buffer disturbance has been proposed. He said that the total amount of mitigation is 40,000 square feet. Mr. Gregory said that this is not on the mitigation plan, but will be placed on it. Ms. Black said that the Board had requested that the total amounts of pervious and impervious coverage before and after development should be placed on the plan for comparison purposes. Mr. Gregory said that a chart has not been placed on the plan, but there is a reduction of 5,000 to 6,000 square feet of impervious surfaces by the removal of the existing driveway. He added that this information is not on a chart, but he would include it on the plan. Nazar Massouh, owner, said that the removal of the 5,000 to 6,000 square feet of material was due to the existing driveway not constructed to today's standards in regards to stormwater runoff. He said that the existing driveway was not done in an environmentally correct way and will now be done in the proper way to ensure environmental leadership. Ms. Black said yes, she appreciates that, and said that that the chart needs to be added to the plan. Mr. Gregory agreed. Ms. Black asked if the mitigation ratio proposed meets the 2 to 1 requirements by the town. Mr. Gregory replied yes. Mr. Massouh said that he was fully committed to meet or exceed the requirements.

Ms. Black asked if any trees will be removed and if so, this needs to be placed on the plan. She added that the Board would like to see the tree sizes for removal and planting. Mr. Gregory said yes, the Planning Board asked for a tree inventory which would show the size and type of the tree. He added that at that time this was not done because he was unable to differentiate between the types of trees. Mr. Gregory said that the proposal includes the removal of 55 trees and this will be added to the plan. Mr. Quigley said that 97 trees have been proposed for planting. He said that there is an extensive schedule for plantings and is quite robust in quantity. Mr. Quigley said all of the plants are deer resistant and shrubs and low grade systems will spread and grow. He added that a native seed mix has been proposed for the roadway and wooded restoration area. Mr. Quigley said that they have created a varied plant list that would provide an understory that currently does not exist due to deer and shaded areas. He added that there are invasive plants in the areas that include barberry and floribunda.

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

Ms. Black said that all invasive removals should be removed by hand. Mr. Massouh said yes, all removals will be done by hand.

Ms. Black asked the Board if they had any comments. Mr. Krupa complimented Mr. Quigley, Mr. Gregory and Mr. Massouh on the submitted plans and said he felt that they have considered the eco system and this was something that he personally likes to see and appreciated all of the hard work that was done by them. He asked Mr. Gregory how much of the existing driveway will be new construction near the wetland buffer. Mr. Gregory said that the new construction starts at the 582 mark on the existing driveway. He added that once you drive over the proposed crossing area it will be adjacent to what is there now. Mr. Massouh said that this is further from the wetland. Mr. Gregory said yes, it is further to the left of the wetland and they are using the existing driveway to use as the grade. Mr. Krupa said he pointed this out because he wanted the Board to know that this was an improvement to the buffer. Ms. Black said she agreed. She asked if boulders are being used to demarcate the area to disallow intrusion. Mr. Gregory said yes, there are many boulders on the site and they are utilizing them to contain the fill and stabilize the slope. Mr. Massouh said that this is Mr. Quigley's signature move which is to make it look as if it has always been there. Adam Barnett asked where the septic system is located on the Davis property. Mr. Gregory showed the location on the plan to the Board and explained that it is located on the right side of the house. Mr. Gregory informed the Board that the existing well will be re-located on the property. Mr. Block asked for the reason why this was being proposed. Mr. Gregory said that they thought that this was the best location for the driveway and this is where the current well is located.

Mr. Drapeau said that he would like to discuss the predicated amount of fill which would be brought on site from the adjoining property. He asked if variances or approvals are required. He said that he understood that approximately 50% of the fill will be brought over from the other site and asked what is required or permitted. Mr. Gregory said this would require site plan approval from the Planning Board. He said that they had discussed this amongst themselves and decided that there was a benefit to constructing the addition simultaneously to provide fill for the driveway project. Mr. Massouh asked Mr. Gregory to highlight the addition and note that it is located outside of the buffer area. Mr. Gregory complied and said that they were able to create an access road to cross the back yard of 8 Cole Drive. He said that they will not have to go out onto Cole Drive or Davis Drive to transport material. He added that the total addition proposed is 25 x 75 feet and with construction of the foundation, he felt that they could bring in at least half or more of the amount of fill needed. He said that the addition will require Planning Board review and this was submitted at the last meeting. Mr. Massouh said that they have been referred to the Architectural Review Board (ARB). Mr. Drapeau asked for clarification on the addition size and what would it generate; along with floor ratio percentages of the house. Mr. Gregory said that a floor area work sheet was prepared but he doesn't have this information available.

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

Mr. Massouh asked Mr. Drapeau if there was something in particular he was concerned about. Mr. Drapeau said he thought he read that the percentages would be more than 50% and said that this exceeds the town code. He added that this is a concern because if this is not granted then the fill would need to be brought off site from another source. Mr. Drapeau said he felt that there are some “moving parts” that need to be resolved. Mr. Massouh said that the Planning Board is reviewing the applications simultaneously and he encouraged the Board to look at it as “all or nothing”. Mr. Drapeau said yes, he has been doing that. Mr. Drapeau said that until the “moving parts” are resolved; it would be hard to make a decision. Mr. Massouh reiterated the “all or nothing” approach. He added that he had hoped that with all of the improvements made that the Board would consider a positive endorsement as he felt it is an improvement to the area and to the town.

Mr. Krupa said that Mr. Drapeau’s “tree score card” is at plus 42 trees. Mr. Drapeau said that these may not be the same size trees and we still need an inventory of the size of the trees that would be removed. Mr. Krupa replied yes, he agreed. Ms. Black said that there are still a few things that are needed, such as a plan that shows the tree inventory and tree removal locations. She added that it seemed that the Board is not ready to make a recommendation to the Planning Board. Mr. Krupa said he felt that there seemed to be so many positive improvements and thought that a conditional approval could be made. Ms. Black agreed, and said that there is a net improvement after the initial large amount of disturbance. She added that this proposal would make it more livable for the homeowner. Ms. Black said that there is a larger issue that Mr. Drapeau pointed out too, which is the amount of fill that could be brought onto the site.

Mr. Drapeau said he was not in a place to endorse this plan with the outstanding issues being addressed. He added that a lot of the issues being developed are on a site that does not exist currently and the new application creates more issues by finding solutions for more problems. Mr. Drapeau said that he thought that the site plan creates a lot of the disturbance and it is much greater than what is currently there. He said in theory we are looking at a new driveway and pool and neither of those things are a hardship situation. He added that we are addressing a leisure situation and didn’t feel that all of the problems that are being created are solutions for what is being proposed. Andy Block said that since a Board member has significant concerns he didn’t feel that a conditional approval was appropriate. Adam Barnett said that his fundamental issue is if the Board’s purview is wetlands mitigation regardless of whether something is a necessity, he felt that the applicant has satisfied the wetland disturbance requirements. Mr. Barnett said that he doesn’t like the project but he said that the site is breathtaking and the aesthetics to the site are not under our purview. Mr. Barnett added that if he was to focus on the role that we’ve been assigned, he believes that the applicant has satisfied the requirements. He added that he likes the way the site looks now and wishes that the applicant would not do the project, but deciding this is not part of our role as a Board. Ms. Black said that she was uncomfortable making a conditional approval at this point.

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

She added that the applicant has made many improvements and said that the video shown at last month's meeting showed improvements to the site due to plantings and the use of boulders.

Mr. Massouh said that and he is asking the Board to consider the addition as part of the application. He added that he wanted to make the area more breathtaking and asked the Board if approval was a possibility. Ms. Black said that it seemed that the majority of the members are not ready to take a vote at this time. She added that the existing driveway is not up to date by current standards. Mr. Krupa said that it is rare for him to disagree with Mr. Drapeau, however the crux of the purview of this Board is to protect the wetlands and he felt that this proposal has done this beautifully. He said that Mr. Barnett summed it up nicely and noted the mention of aesthetics and reiterated that this not our purview and this is not for us to judge. Mr. Krupa added that the proposal is beneficial to the wetland buffer and there is a net gain with tree plantings. Mr. Barnett said he would like to add that he respects Mr. Drapeau and admires his diligence; however he stated that he is a literalist and he is judging what he sees as his required role. Ms. Black said yes, she agreed. She added that there is a concern about the amount of fill to be used if the addition permit does not get granted. Ms. Black said that the Board is supposed to comment about wetlands and tree removals and she felt that the lack of a current understory would be restored. She added that there are still additional items that need to be addressed. She asked the Board if they wanted to vote tonight. Mr. Krupa said yes, we can vote or provide a "punch list" of what is needed. Ms. Black added that there is no urgency with the Planning Board, and since there issues need to be addressed it would seem to behoove the Board to not provide a vote at this juncture.

Mr. Gregory stated that the Planning Board is considering two things at this point; they are considering the addition and the driveway alterations and all of the changes that will need to be considered for that. He said the Board was looking to schedule a public hearing and they still need to present to the ARB. Mr. Massouh said that he thought they needed to get a reply from the ARB and the Conservation Board before they could go back to the Planning Board and schedule a public hearing. Mr. Krupa said that he thought that this application was before us at Mr. Massouh's request. He added that the fill is a great concern, but he didn't think that it was under the purview of this Board. Ms. Black agreed. She said that a few items need to be placed on the plan. Mr. Massouh asked if those items could be addressed without the need to present to the Board at the May meeting. Ms. Black said that a summary table with the disturbance needs to be placed on the plan, quantification of any wetland disturbance, impervious and pervious with a "before and after", square footage of mitigation, marking of the tree removals, listing of the trees, tree size and tree replacement numbers.

Matt Norden, Kellard Sessions Consulting, stated that the landscaping plan has three purple dots on the plan. He asked if there was a purpose for them or if not, they need to be removed. He added that the stormwater runoff calculations should be placed on the mitigation plan. Mr. Gregory said yes, he will do this. Ms. Black asked for a five year maintenance plan notation to be placed on the plan per town code.

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

José Berra asked how many cubic feet of material needs to be brought on to the site. Mr. Gregory said that if the addition is not included, the amount would be 2,100 yards of fill brought to the site. Mr. Berra asked how many truck loads would be needed. Mr. Gregory said that if the addition is granted, they are predicting they would need 900 yards of fill. Mr. Berra asked how many cubic yards a truck holds. Mr. Gregory said he thought it would be a little less than 50 truck trips. Mr. Berra asked if the trucks would do damage to the roadways. Mr. Gregory replied that the weight can vary depending on the load size, but the roadways are being used for a lot of this activity. Mr. Gregory stated that there were scheduled improvements to Cole Drive and Davis Drive and was hoping to complete this project before the resurfacing of the roads begins. Mr. Berra said that if he has heard about it, it probably will happen as all town roads will be resurfaced in the next few years; which includes Route 22. Mr. Berra recommended e-mailing Jamie Norris, Superintendent of Highways, to apprise him of the project and asked for them to copy Mr. Berra and Kevin Hay, Town Administrator, on that e-mail. Ms. Massouh said yes, he was anxious to get the project done before the road surfacing. Mr. Berra said that they could hold off on resurfacing the roads until after the completion of this project, as it would make sense. Mr. Massouh said he is ready to start as soon he gets the approvals needed and he would send the e-mail as directed. Ms. Black said that the Board is not ready to take a vote and asked the representatives to place all items listed on the plans. Mr. Gregory replied yes, that's fair.

George Drapeau asked if it would be wise to wait until after the public hearing to make a recommendation on the project. Ms. Black said no, because procedurally, they need our recommendation before a public hearing can be scheduled. Mr. Drapeau said he was concerned that we are putting the "cart before the horse". Ms. Black said she understood, but this is the way the system has been set up.

Andy Block said he got lost in some of the 'back and forth' and asked Mr. Drapeau if forthcoming information would allow him to make a positive recommendation. He added that the applicants have done a wonderful job and asked if the information needed could be provided to alleviate a Board member's concern. He added that we should be mindful and respect that process. He added that he believed that we should be able to have Board members vote once the requested material has been given as part of making a positive recommendation. He stated that he is uncomfortable in making a conditional approval. He asked if someone could explain the impact of a delay and he asked to hear what Mr. Drapeau has to say. Mr. Drapeau said that he has concerns about steep slopes, tree removals, expansion of the wetlands, stormwater drainage plans that are incomplete, significant tree removals, replacement with smaller trees that will create runoff, identification of trees that need to be done and steep slope factors. He added that he thinks there needs to be a bit of time to resolve some of the issues. He stated that he is not comfortable making a recommendation at this time.



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

Andy Block said that based on what was just said, he wants to be respectful of the process and asked if there would be an impact if we waited until the additional information is provided. Mr. Krupa said there are many facets to this application and we would be holding up the Planning Board. Mr. Krupa said the applicant is presenting to the ARB and the Planning Board is waiting for us to weigh in with our recommendations in order to schedule a public hearing. Mr. Block said he thought it would be a one month delay, at most. Mr. Massouh said that if a positive vote was given today it would allow the approvals to be granted by July, which would allow him to break ground. He added that this would dovetail the driveway and the addition nicely, and would allow resurfacing of the roads. Mr. Massouh said that this would allow the truck traffic to be completed in July. He added that every month matters and other delays could happen. He said that if a Board member needs more information to make a positive recommendation then maybe it is worth the delay. Mr. Block said he has been a homeowner in this town for 27 years and part of his hesitancy is the scale of the size of the project. He added that he thought it was appropriate to take the time, make sure to be respectful and go thru the correct process. Mr. Krupa said that procedurally, the vote does not have to be unanimous; it just needs to be a majority. He added that this would allow the applicant to avoid coming back to present to the Board. Mr. Krupa said that if, however, we don't have the votes then we can have the applicant make the requested adjustments and then come back to present at another meeting. Ms. Black said she was trying to ascertain how the Board feels. Mr. Block asked if the applicant could forward the information by next week so the Board could review and then vote on it. Mr. Krupa said that this would be considered a conditional approval. Mr. Block said that he wanted Mr. Drapeau to review the information received and then he could make a clear decision. Ms. Black asked Mr. Drapeau what he was looking for in order to proceed. Mr. Drapeau said that the applicant was willing to consider a delay in order to get all of his "ducks in a row" and thought this would be insightful for him in order to provide a full endorsement of the plan. He said that he didn't have a lot of time to study the plan but when he went on the site walk he found the mitigation was moving the project along and he would like to see the impacts and he didn't think the video is the way to do it. He said the bifurcating of the property with a large wall will have a great impact on the site and he didn't think that that has been measured. Ms. Black said the rocks fit in with the original landscape. Mr. Quigley said yes, this was our intent. Ms. Black said that if Mr. Drapeau and Mr. Block would feel more comfortable with waiting to receive the information then the Board could make a recommendation at the next meeting. Mr. Block said that it wasn't that he was uncomfortable; it is because if he was in Mr. Drapeau's position, and felt strongly on a condition, and the applicant is agreeing to provide the information then he felt he owed a fellow board member that right. Mr. Massouh said yes, he will provide all of the information requested. He asked if the Board needed him to come back and formally present at the next meeting. He asked if there was a communication channel that would allow the Board to vote on this application once the information is received. Mr. Block said yes, this was his question too.

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

Mr. Krupa said that this was a question for Mr. Berra as he didn't think the Conservation Board could meet to discuss official business outside of a scheduled meeting. Mr. Berra said the Town Board does schedule special meetings. Ms. Black said yes, we have done this before. She said that in the times of Zoom, it is certainly possible. Mr. Nazar said that he was slightly concerned about the timing for his application and the upcoming road surfacing. Mr. Berra said that he didn't think that this would be a problem. He added that the timing of the road surfacing could be rescheduled. Mr. Berra said to e-mail the highway department with the information. Mr. Quigley said that the timing of the planting on this site is integral to protect the plantings and they would need to take advantage of the fall planting season. Mr. Krupa said that if we hold a special session we would not hold up the applicant. Mr. Black asked the Secretary, Julie Mucker, if they could schedule a work session. She replied that a vote must be taken on record and normally the Board wouldn't do a work session unless there was urgency from another Board or Department. Mr. Massouh said that he would like for Mr. Drapeau to have the time to peruse the changes made. He asked if the Board could let him know if everything has been deemed completed once the list has been received. Ms. Black said yes, it wouldn't take very long and if the information could be sent to the Secretary, she could send us the information via e-mail. Mr. Krupa said that this will not take very long as these items are on other documents. Mr. Gregory said yes, we can turn this around very quickly for you. Ms. Black said it sounds like it is more of a technical issue as far as transferring all information needed from one plan to another. Mr. Gregory replied yes. Ms. Black said that the only questions beyond this were the concerns that Mr. Drapeau raised on the tree removal and the impact on the slopes and runoff. Ms. Black asked the Board if they agree to defer this application until the May Conservation Board meeting. The Board agreed with deferring the application until the May Conservation Board meeting. Mr. Massouh asked the Board to inform them if anything is missing once all documents have been submitted. Ms. Black asked the Board to e-mail any questions to the Secretary so she can forward them to Mr. Gregory. Mr. Drapeau said yes, they could be sent by the end of the week. Ms. Black asked Mr. Gregory to send all of the updates via e-mail to the Secretary. She commended the applicant on the mitigation plan and said that she hopes that this can be resolved at the next meeting. Mr. Block thanked the applicant for all of their work on the project.

**2. 9 Sterling Road N.** – Dan Holt and Blythe Yost represented this application, which is located at 9 Sterling Road North. Mr. Holt reminded the Board that there wasn't a full Board last month so they decided to take the opportunity to not take a vote and have submitted a new plan based on the comments that were made. Mr. Holt said that the new plan has reduced intrusion into the buffer and tucked the pool closer to the house, which allows the existing patio to be used. Mr. Holt shared the plan via Zoom. He explained that this was the biggest change and said that the pool size has remained the same. Mr. Holt added that he revised the plan at the request of the Board. Ms. Black asked Mr. Holt to show the Board the patio area.



## **II. LAND USE: ACTIVE- CONTINUED – 2. 9 Sterling Road N.**

Mr. Holt said he allowed for some walkway around the pool so as not to be on the grass once you exited the pool. Mr. Holt said there are some minor revisions to the landscaping plan due to John Fava's comments (former Chairman of the Conservation Board). Mr. Berra asked what exists now at the proposed pool location. Mr. Holt replied that this is a failing septic system location. He showed the Board the new septic system location. Mr. Barnett asked if the demarcation on the plan with a wall on the plan was new. Mr. Holt said that this was suggested by Mr. Fava. Mr. Barnett asked if the new area on top of the septic and behind the pool will be a lawn. Mr. Holt replied that the area on top of the septic system will be lawn. He said Ms. Yost will address the additional plantings behind the pool area. Mr. Barnett said he just wanted to clarify that it is an existing septic system and would still represent disturbance with a lawn area.

Blythe Yost said that the current condition on top of the present septic system is more or less lawn at this time. Ms. Yost shared a plan for the Board via Zoom. She referred to a scrub area located behind the septic system. She said there is a row of trees; however the proposed septic system location is currently lawn. Mr. Block asked if the area is changing from undisturbed area to a disturbed area. Ms. Yost said it is currently disturbed if you consider a lawn a disturbance. She added that it is a sliver of a lawn area with a septic system beneath it. Mr. Barnett said that he wants to help the homeowner move along, but the landscape plan is inconsistent with the plan that Mr. Holt's submitted to the Board. Ms. Yost said yes, she said she didn't pick up the most recent pool plan and would happily resubmit so that all plans are accurate. Ms. Black said yes, the landscape plan is based on an earlier version of the pool. Ms. Yost showed the terrace area to the Board. Ms. Black said yes, on Mr. Holt's plan the pool is shown closer to the house. Ms. Yost apologized that she must have picked up an old plan. She reiterated that she would happily adjust the plan and re-submit the plan. Ms. Black asked about the small additional area adjacent to the pool between the pool and the septic field that is currently scrub. Mr. Barnett said yes, this is the area that he is questioning. He said that at the site walk this area was all weeds and not a lawn. Mr. Holt said yes, you are correct. Mr. Barnett said it was very high milkweed and was not a lawn. Ms. Black said that the wall was added in response to comments made by the Board. She said that the Board wanted a majority of the buffer area to be demarcated to discourage mowing in this area. Mr. Barnett said that the Board has struggled with hours and hours on this application and if you look at this plan we are now doubling the footprint of the pool with a new lawn and he thought the whole purpose of this exercise was to minimize the disturbance. Mr. Krupa said that they are trying to make the back yard more useable. Mr. Barnett said that Ms. Yost referred to it as a "sliver", but this area is being doubled in size. Mr. Barnett said that he felt the Board was being abused. Mr. Holt said no, that this is not the intent. He added that his client has no problem turning this area into a wooded area. Mr. Barnett asked Mr. Holt if he sees his point and frustration. Mr. Holt said yes. Ms. Black said the area between the septic field and pool should be planted and not with a lawn. Mr. Barnett said that this is his point and referred to Mr. Drapeau's suggestion about an elevated pool. Ms. Yost apologized if this was being taken as a "grasp", as it is not.

## **II. LAND USE: ACTIVE- CONTINUED – 2. 9 Sterling Road N.**

Mr. Barnett said he is holding off on his vote until a complete plan is submitted that is professional and integrated. He added that from his perspective, the Board should move on with the Agenda. Mr. Barnett said that he wanted to support the applicant but this is not deferential to our time and the process. Ms. Black reiterated Mr. Barnett's request that the Board wants the landscape plan to match the most recent submitted pool plan. She added that the plan should deter buffer intrusion and have no additional lawn area. Mr. Barnett said yes, that is correct. He added that if you were to look at prior meeting Minutes he tried to be helpful to the applicant, but the applicant has to be deferential to the Board by submitting complete and accurate plans. Mr. Barnett said that he wanted to be supportive, but if this is not being done it delays the approval process. He added that the Board can't make decisions based on a red line on a screen. Mr. Holt said he understood what Mr. Barnett said and thought the confusion was on their part because the sketch was done after the last meeting and sent it informally to the Board to see if the Board was supportive of it. He added that he was informed that they were on the Agenda and he wanted to see if the Board liked the pool location and/or the pool size. Mr. Block asked if an elevated pool would be considered and said that this idea was broached several times at prior meetings. Mr. Holt said that an elevated pool will not change the disturbance. Mr. Drapeau said that the deck is impervious. Ms. Black said yes and the pool underneath would not be pervious. Ms. Black said that she has not seen a pool where the area underneath the pool is pervious. Mr. Drapeau referred to a pool on Seymour Place that has a pool that is slightly elevated above the ground and this practice allows the ground to accept the runoff. Ms. Black said that the pool is still an impervious surface. Mr. Drapeau said yes, but the water would go "somewhere else". Ms. Black referred to a suggestion made by John Fava which was to elevate the pool a couple of feet off of the ground at the rear edge to look like a vanishing edge pool to reduce disturbance from grading at the pool's edge. Mr. Holt said yes, this sketch includes a vanishing edge pool on one side of the pool. Ms. Black said this must be a raised pool in some fashion. Mr. Holt said he has never seen a pool that is floating above the ground. Mr. Block said we are not talking about a floating, levitating pool; we are talking about minimizing constructing a pool into the ground. Mr. Drapeau said he has sent photos showing examples of these types of pools. Mr. Holt asked the Board if they could look at the plan again as it does show the walls. Ms. Black said that the far edge of the pool is not at grade. Mr. Holt replied yes, it is raised up in the air. Mr. Holt tried to trace the walls for the Board on the shared plan via Zoom. Mr. Holt was unable to share the plan, but reiterated that the pool is held up by four walls on four sides. Mr. Barnett said he understood what Mr. Holt was saying, but asked why the applicant needs a lawn on the far side of the pool and wondered why it couldn't be naturalized. Mr. Holt said that they are fine with this recommendation and are not arguing that point. Ms. Black said that in her perspective, the pool is raised at the back edge and she would like to see the area beyond the pool naturalized and the area where the future septic system is to be located as a lawn. She added that the other wall was proposed to demarcate the septic system area from the rest of the property to deter any disturbance beyond that point. Mr. Holt said yes, he understood.

## **II. LAND USE: ACTIVE- CONTINUED – 2. 9 Sterling Road N.**

Mr. Holt said he was going back to the “John Fava days” which always showed a demarcated area which disallowed any disturbance beyond a certain point on the property. Ms. Black said yes, she thinks it’s important to make it clear where the lawn area ends and that added demarcation deters any expansion into the buffer by future homeowners. Ms. Black said that it doesn’t have to be a wall, it could be intermittent boulders, but she would like to see something indicating the end of the lawn area.

Mr. Krupa said he is sorry to add to the frustration but said that this was discussed with Mr. Holt at a prior meeting. He asked Mr. Holt if he has been before this Board three times. Mr. Holt said yes, this is probably correct. Mr. Krupa said that we owe it to the applicant to not drag out this application and this keeps “going on and on”. He added that we have expressed what we would like to see. Mr. Krupa asked Ms. Black if Mr. Holt needs to come back to present to the Board at the next meeting. Ms. Black said yes, he would need to come back to the Board one more time and would like the pool location to be shown on the plan as discussed on the plan, the lawn area behind the pool naturalized and a demarcation showed on the plan. Mr. Krupa apologized for being blunt, but said the Board’s vote would be neutral at best wondered if we could move forward. Mr. Block said it sounded as if Mr. Barnett was very clear on what information was needed in order for him to make a recommendation. Mr. Holt said he had showed a sketch of a pool to see if the Board was conducive to the design and said it would have been great to get a recommendation but he would like to address any questions the Board may have. Mr. Barnett said he would make this very quick: he is not supporting this application as of now. Ms. Black said she would see Mr. Holt at the next meeting with all of the changes suggested. Mr. Block said that just to be clear, the type of the pool with an infinity edge is different from pulling the pool out of the ground. Mr. Holt said yes, the plan has elevations and will remain as is. Mr. Black thanked Mr. Holt for his time.

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

1. 360 Main Street – No discussion.

2. 1 Kent Place – No discussion.

## **IV. WORK PROGRAM**

1. Website Improvements – Ms. Black asked the Board if they have any new links to add to the Town website. Ms. Black asked Mr. Benedict if he had looked at the link that was sent. The Secretary said she would re-send the link for Mr. Benedict to look at.

#### **IV. WORK PROGRAM – CONTINUED**

2. Planning Board Report - Jane Black attended the March 22<sup>nd</sup> Planning Board meeting. She referred to two items before the Board, one of which will be an application located on Old Orchard Street- formerly approved by the Board in 2017. The other application is the Summit Club located on Bedford Road. Ms. Black said that all tree removals on this site have been tagged by Kellard Sessions Consulting. Ms. Black was told that the Planning Board has cancelled the tree work session, which will be re-scheduled, due to a heavy Agenda. Ms. Black asked the Secretary to verify if this was the case, as the Board has not been notified. The Secretary replied yes.

2. Planning Board Report – George Drapeau attended the April 12<sup>th</sup> Planning Board meeting. A synopsis of the meeting was sent to the Board via e-mail. Mr. Drapeau said that the 8 Cole Drive/24 Davis Drive proposal was discussed. He said that a parcel on 45 Hurlingham Drive will be coming to present to this Board. Ms. Black said that there is not a lot intrusion as they are proposing a dock and a woodchip path to the dock. Discussion on this site was briefly discussed.

3. RPRC Meeting – John Krupa attended the April 6<sup>th</sup> RPRC meeting. Mr. Krupa sent a synopsis of the meeting to the Board via e-mail. Ms. Black said she received a phone call from the neighbors that are concerned about an application located on 9 Seymour Place East. Mr. Norden asked for the wetland to be placed upon the plan. Mr. Norden informed the Board that they asked the applicant to flag the wetlands. Mr. Krupa stated that he had been informed that Mr. Kaufman and Mr. Melillo were presenting language to the Town Board to allow construction in a wetland buffer for the use of generator pads. Mr. Berra said that if a law is to be changed, a public hearing needs to be scheduled. Mr. Krupa said the Board should weigh in on any comments and wanted minimal incursion into the buffer under any conditions. Ms. Black said that Mr. Kaufman had suggested that if there are small generator pads proposed in a wetland it the permits could be issued administratively. Ms. Black asked if there was a discussion on the amount of square footage allowed in a buffer area. Mr. Krupa said no, and if this is still in the process he would like for a memo to be sent to the Town Board with our concerns. Mr. Krupa said that the Board would be amenable to this practice, but he wanted to make sure that the incursions are minimal. The Secretary offered to contact Mr. Kaufman with the time frame on this presentation to the Town Board. Mr. Berra said that the Board should be specific on the maximum size that should be allowed. Mr. Benedict said yes, we should note a standard sized pad. Mr. Berra said that some of these incursions should be submitted to this Board if the size is larger than what is deemed acceptable. Mr. Barnett asked if the Board could be notified of the draft memo that will be sent to the Town Board. Ms. Black agreed that this was a good idea. Mr. Krupa asked the Secretary if she could request this information. She replied yes.

#### **IV. WORK PROGRAM- CONTINUED**

3. Planning Board Report – April 20<sup>th</sup> – John Krupa attended the April 20<sup>th</sup> Planning Board meeting. He said that the 80 & 82 Round Hill Road application that was approved by the Board will be coming back to the Board for additional work on the site.

#### **V. NEW BUSINESS**

1. "See Something- Say Something" - Ms. Black said she received a call from a neighbor who is a Planning Board member regarding his neighbor who was cutting down trees and depositing wood chips in the wetland in his front yard. Mr. Krupa was contacted by Ms. Black, they both visited the site and Mr. Krupa contacted Robert Melillo, Town Building Inspector. Matt Norden said he had no information on this site. Mr. Krupa said he was told that Mr. Melillo gets a lot of these types of phone calls. A brief discussion about code enforcement was done. Mr. Barnett asked if there was a process regarding the Residential Project Review Committee. Ms. Black said she didn't think this site was under review by the RPRC. Mr. Block said he was sympathetic to Ms. Black's neighbor and felt that this was unacceptable. Mr. Berra said that the Board can meet with Mr. Melillo to discuss any concerns with him and/or the code enforcement officer.

2. Generators- Discussion

#### **VI. CORRESPONDENCE & ANNOUNCEMENTS**

1. Open Space Meeting (OSC) - April 20<sup>th</sup> – Jane Black, John Krupa and Andy Block attended the Open Space Committee (OSC) Meeting via Zoom. Ms. Black said that the Committee discussed the Summit Club and the Eagle Ridge applications. Mr. Drapeau sent photos of the Eagle Ridge site to the Board. Ms. Black said that the Committee has concerns about the impact and ridgeline views of the development. She added that the visual impact of the townhouses is not satisfactory. Ms. Black said the OSC would like the Board to weigh in on any concerns and pass on those concerns to her or to Mr. Krupa. Mr. Drapeau stated that the Board should see a rendering of the site that was submitted so that the Board can visualize the full impact. He added that IBM is not seen from the road and the scale of these buildings means they would be seen from the road. Mr. Berra asked Mr. Drapeau if he had seen the view from IBM Park. Mr. Drapeau replied yes. Mr. Barnett referred to the Mariani Gardens application, and wondered if these types of houses were similar to those proposed for Eagle Ridge. He said the aesthetics of Eagle Ridge were not pleasing. Mr. Berra said that there is a total of 700 feet of townhouses proposed along the roadway. Mr. Berra informed the Board that he asked Mr. Kaufman to allow the balloons to be seen by the public to get an idea as to how large the project is. Ms. Black urged the Board to look at the plans and agreed with Mr. Barnett that the proposed buildings were not pleasing.

## **VI. CORRESPONDENCE & ANNOUNCEMENTS- CONTINUED**

Ms. Black said the OSC also discussed the Summit Club and raised the question about the status of the conservation easement and the change in the building style from townhouses to condominiums. She said the water source for the property was discussed.

2. Communications in the Wetlands – José Berra informed the Board that there are wetland legislation changes that will be discussed regarding communications projects constructed near a wetland buffer. He informed the Board that a work session has been scheduled to discuss this topic. Mr. Berra added that this proposal also involves aesthetics. He said it may be helpful for the Board to watch the work session.

## **VII. OLD BUSINESS**

1. Tree Ordinance – Ms. Black said that there were many good discussion points received by the Board for the tree work session when it gets re-scheduled with the Planning Board.

**VIII. ADJOURNMENT-** A motion to adjourn was made by Andy Block and was seconded by Craig Benedict. All were in favor. The motion passed. The meeting was adjourned at 10:15 P.M.

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

Julie Mucker, Secretary  
Conservation Board

File Name: Minutes42021