



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

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**THE 473<sup>RD</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
TOWN HALL ANNEX- MEETING ROOM  
TUESDAY, APRIL 19, 2022  
7:30 P.M.**

**Corrected**

**PRESENT:** Adam Barnett; Craig Benedict; Jane Black, Co-Chair; Andy Block; José Berra, Town Board Liaison; Susan Roth, Kellard Sessions Consulting.

**NOT PRESENT:** George Drapeau; John Krupa, Co-Chairman.

**I. MINUTES:** Minutes of the regular meeting, which was held on March 15, 2022, were approved as corrected. The motion was made by Adam Barnett and was seconded by Andy Block. The motion was unanimous.

**II. LAND USE: ACTIVE – 1. 23 Bedford Banksville Road** - Peter Gregory represented this application, which is located at 23 Bedford Banksville Road. Mr. Gregory explained that the applicant is purchasing this property and it is under review of the Planning Board. He said that the proposal includes interior and exterior renovations and improvements to the existing building. He added that a contractor's yard is currently used behind the building location. Mr. Gregory said that they are trying to obtain permits to legalize the contractor's yard that has existed for approximately 40 to 60 years. Mr. Gregory said that he was under the impression that they needed to obtain a special use permit from the Town Board. He added that this application was referred to the Board by the Town Board but the Planning Board discovered that the proposed masonry retail store is permitted in this district which negates the need of Town Board approval. Mr. Gregory said that the Planning Board will include this in the site plan process.

He showed the Board an aerial image of the site and said that there is a New York State designated wetland in the rear of the site. He said that they would like to restore the rear of the property and store associated materials such as gravel, stone or mulch. Mr. Gregory referred to the site walk done on April 8, 2022, where they walked the entire property to the rear of the site and saw the current operation. He said that the proposed activity will be located about 100 feet from the existing garage. Mr. Gregory said that they will create a natural vegetative strip in front of the wetland buffer as well as a no mow zone. He said that this will create a barrier to keep the restored area in a naturalized state. Mr. Gregory showed the Board the wetland and wetland buffer locations on the site plan. He showed the Board the proposed retail location and the restored areas on the site plan. He added that the existing stockpile area would be removed and phased out completely and then the wetland strip and no mow zone would be installed. Mr. Gregory added that 15 white pines will be planted as a physical demarcation.

## **II. LAND USE: ACTIVE – CONTINUED 23 Bedford Banksville Road**

He said that at the site walk the addition of deciduous trees such as black tupelo and sugar maples was suggested and this will be added to the plan. Ms. Roth said as long as the proposed plants are native she is fine with the plant list.

Mr. Gregory said that about 63,000 sq. feet of disturbance currently exists. He said that once the area is cleaned up and restored there would be just 15,000 sq. ft. of disturbance. Ms. Black asked if there is quantification for the mitigation. Mr. Gregory said that it is about a total of 49,000 sq. feet. He added that they feel that they can meet the intent of the town code. Ms. Black asked the Board members who were unable to attend the site walk if they have been to the site on their own. Mr. Benedict said he is very familiar with the site. Adam Barnett asked if there is another site on the street that stores materials and is similar to this site. Mr. Gregory said yes, and showed the Board the site on the plan. The operation in question is located to the north of this site and they are sharing storage bins with this site and that practice will be discontinued. Ms. Black said yes, there seems to be similar activities to the north and south of this property.

Mr. Block said that this Board has seen properties that have disturbed areas that have been restored and asked if this site is going to meet or need to meet the 2 to 1 mitigation requirements. He added that this area is being restored and wondered if mitigation is required. Ms. Roth said that the area is being restored so this can be counted as mitigation requirements. She added that she will look at the town code and e-mail the Board. Ms. Black thanked Ms. Roth. Mr. Block said that sometimes we have had situations where we can bank the monies for mitigation that cannot be met on sites. Ms. Black said that the alternative is to leave the piles of materials. Mr. Gregory said that this site has been used in this capacity since possibly the 1940s. Mr. Block said that the code is written a certain way and he was not deterring the applicant.

Ms. Roth refereed to the memo submitted by Kellard Session Consulting and said that John Kellard said that there are areas of existing soils on site that are very wet and he felt that these were wetland areas that had been filled in. She added that to protect the wetland you would need to remove all of the materials but directed Mr. Gregory to speak to the Planning Board about this issue. Ms. Roth added that the existing contracting soils scheduled to be removed need to be tested for contaminants. Mr. Gregory agreed. Ms. Roth said that she knows that the Westchester County Department of Health (WCDOH) has been contacted about the septic system and suggested that soil testing would be done in the proposed area as that area is very compacted. Mr. Gregory said that this may be very difficult. He added that there is a very large area near the parking area, but this area is very wet. Ms. Roth suggested consulting with the WCDOH for possible locations. She added that it would be best to locate the septic system outside of the wetland buffer. Mr. Gregory said that the current system has been inspected by the WCDOH and they found suitable sandy ground in the septic system area, but only in that area which means that this area was filled and fields were installed. Ms. Black asked if there is a proposed septic system location. Mr. Gregory said no, they are still investigating the site. He showed the Board the plan and said it would have to be behind the red line shown on the plan. Ms. Black said it sounds like there are a few more questions that need to be answered.

## **II. LAND USE: ACTIVE – CONTINUED – 23 Bedford Banksville Road**

She added that the applicant was very responsive to the comments made at the site walk. Ms. Black said that as a result of the comments made at the site walk, with the deciduous trees and no mow zone added to the plan. She asked the Board if they had any questions. Mr. Gregory suggested keeping the Town Board in the loop even though the Planning Board will need the final recommendation. Ms. Black said that the Board needs the mitigation questions answered. Ms. Roth asked Mr. Gregory when he would be returning to the Planning Board. Mr. Gregory said he was unsure as he needs to speak with Mr. Veneziano, Esq. Ms. Black said that after walking the site, the mitigation itself seems acceptable. Ms. Roth said that this is a big improvement. Mr. Gregory said that the tenants have installed a jersey barrier and a wire mesh fence to demarcate the site. Ms. Black said that this was before the Town Board because of a special use permit. Ms. Black asked the secretary to contact the Planning Board secretary for clarification. José Berra, Town Board Liaison, said that the memo could be sent to the Town Board to give a brief explanation on the outcome. Ms. Roth said that the memo could be sent to both boards. Mr. Gregory said he will wait on the interpretation of the town code. Ms. Roth informed the Board after Mr. Gregory had exited the meeting that her interpretation is that there are no mitigation requirements in a restoration area, but the town can compel you to mitigate the area. Ms. Black said yes, it makes sense because you would be remediating the remediation.

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

1. 25 Edgar Road- Andy Block asked about the presentation on April 19, 2022, as he was unable to attend that meeting. He asked if the applicant needs to submit the application to the New York State Department of Environmental Conservation (NYSDEC). Ms. Roth said that the applicant had contacted her office and said that they will submit the application to the NYSDEC.

## **IV. WORK PROGRAM**

1. Website Improvements - No discussion.

2. Planning Board Report – Jane Black attended the March 28, 2022, meeting and a synopsis of the meeting was sent via e-mail.

2. Planning Board Report – Jane Black filled in for George Drapeau for the April 18, 2022, meeting. The April 11, 2022 meeting was changed to April 18<sup>th</sup>. She said that the Summit Club presented to the Planning Board. Ms. Black said that this Board has already made a recommendation for this application. She added that there are many concerns such as the landscape buffer and the location of the affordable units and the wells. She said that the current status is that they will establish wells on the property and not join the Windmill water district. Mr. Barnett asked what the issues are with the wells.

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

Ms. Black said that the Windmill residents have had issues with water supply in this area. She said that the applicant was going to construct wells on the golf course property and tie in with the Windmill water district, but the residents didn't want any water coming to their homes from the golf course site. Ms. Black said that the applicant has now proposed wells that are separate from the Windmill water district. Mr. Barnett asked why the residents would object to the wells being co-mingled. Mr. Berra said that the residents were concerned with toxic chemicals. Ms. Black said that the Town Board was planning on having a work session with the Windmill residents to discuss this. She added that the Planning Board will then schedule a public hearing. Mr. Berra said the Town Board members sit as water commissioners and the proposed wells would have added to the shortage of water for the residents in Windmill, but when this was declined the discussion turned to constructing their own wells as sub-district wells. Mr. Berra said that the Windmill residents were very vocal about not wanting water from the golf course; however this would disallow any contribution to the residents from these constructed new wells. Ms. Black said that this doesn't solve the water usage in Windmill as it seems there is not enough water for residents. Mr. Barnett asked why the developers don't just construct the wells without co-mingling with the Windmill area. Mr. Berra said that the original proposal included the golf course joining the water district. The applicant thought that the golf course development could join the existing water district and add supply to the Windmill residents. Ms. Black said that the test wells were poor and that is the reason why they don't want to proceed with the Summit Club wells. Mr. Block said that there seemed to be concern about supply and the degradation to the water. He asked Mr. Berra about the prior Town Board meeting where this application regarding the buffer was discussed and said that the meeting became hostile. Ms. Black said that the minor tension emerged regarding the location of the affordable units on site because the applicant doesn't want to invest in a new property offsite until site plan approval is obtained. Discussion ensued on this topic. Mr. Block referred to tree removals on the site and said that there are barriers on the site to deter anyone from viewing the site. Ms. Black said that concerns about tree removals were submitted and the officials went to the site and said that all tree removals done so far were valid.

3. RPRC Report – George Drapeau attended the April 5, 2022, meeting. He sent a synopsis of that meeting via e-mail.

3. RPRC Report – Adam Barnett attended the April 19, 2022, meeting. He sent a synopsis of the meeting via e-mail.

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

1. "See Something-Say Something" - No discussion.

## **V. NEW BUSINESS - CONTINUED**

2. Tree Discussion – Memo to PB – Ms. Black attended a meeting with Mr. Drapeau, Mr. Benedict and Ms. Roth at her office to discuss the tree code. Ms. Black read off the many changes that have been suggested to be made to the current code and would be submitted to the Planning Board for review. A copy of the changes to be made has been sent to the Board. She asked the Board to review and make any suggestions. Discussion ensued.

3. Submission Checklist – Homeowner Requirements – No discussion.

4. Annual Report to the Town Board – John Krupa will be presenting this report to the Town Board on May 11, 2022.

5. Plants – Discussion – Craig Benedict said to table the discussion until the entire Board is present.

6. 65 Bedford Banksville Road – This application is not ready to present.

## **VI. CORRESPONDENCE & ANNOUNCEMENTS** – No discussion.

## **VII. OLD BUSINESS** – No discussion.

**VIII. ADJOURNEMENT** – The meeting was adjourned at 8:40 P.M. A motion to adjourn was made by Adam Barnett and was seconded by Andy Block. The motion was unanimous.

**VIII. DATE OF NEXT MEETING: May 17, 2022. UPDATE: The May 17, 2022, meeting will need to be cancelled due to lack of a quorum of board members for the entire month of May.**

Julie Mucker, Secretary  
Conservation Board

File Name: Minutes41922