



**TOWN OF
NORTH CASTLE
CONSERVATION
BOARD**

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

**THE 474TH REGULAR MEETING OF THE NORTH CASTLE
CONSERVATION BOARD
TOWN HALL ANNEX- BUILDING DEPARTMENT-MEETING ROOM
TUESDAY, JULY 19, 2022
7:30 P.M.**

Corrected

PRESENT: Adam Barnett; Craig Benedict; Jane Black, Co-Chair; Andy Block;
George Drapeau III; John Krupa, Co-Chairman, Susan Roth, Kellard Sessions Consulting.

NOT PRESENT: José Berra, Town Board Liaison.

GUESTS: Erin Nenaditch, possible Conservation Board member
Yosef Melamed & Paul Jaehnig represented - Byram Ridge Road
Steven Lopez represented – 84 Round Hill Road
Peter Gregory represented – 23 Bedford Banksville Road
Ralph Alfonzetti represented – 655 Bedford Road
Steven Marino and John Fry represented – 25 Edgar Road
Kory Salomone, Esq. and Richard Green, owner, represented – 11 Bedford-Banksville Road
Jack Harrower, President of Byram Ridge Road Association, and Vincent Giordano, Vice-
President of Byram Ridge Association

I. MINUTES: Minutes of the regular meeting, which was held on April 19, 2022, and the Work Session Minutes from the May 31, 2022, meeting were approved as corrected. A motion for recommendation was made by Jane Black and was seconded by Craig Benedict. The motion was unanimous.

II. LAND USE-ACTIVE 1. Byram Ridge Road - Yosef Melamed and Paul Jaehnig represented this application, which is located at Byram Ridge Road. Mr. Melamed explained that the proposed house location is on Byram Ridge Road near a body of water. He said that the applicant has responded to all of the issues that the Planning Board had stated in the memo they issued. Mr. Melamed said that one of the issues was that the house location was too close to the wetland. In response they have revised the plan to include a smaller house design and moved the house 37 feet from the original proposed location. The applicant has removed a proposed pool from the application. Mr. Melamed stated that a deck will be constructed at the rear of the house and gravel and sand will be placed under the deck. He added that the proposed landscaping plan includes plants which will provide screening for the neighboring properties.

II. LAND USE- ACTIVE -CONTINUED 1. Byram Ridge Road

Mr. Jaehnig asked the Board if they have seen the proposed house location. The Board replied no. Mr. Jaehnig said that the lot is an "L" shaped lot and it borders a pond and the proposal includes a house and well. He added that the entire front yard will be the new septic system location. Ms. Black asked if the dotted line is the wetland. Mr. Jaehnig said that the stippled line is the local wetland area and the New York State Department of Environmental Conservation (NYSDEC) wetland is located at the edge of the pond.

Ms. Black asked Mr. Jaehnig to show the local wetland boundary. Mr. Jaehnig complied with the request. Ms. Black asked if the entire house is located in the buffer. Mr. Jaehnig replied yes, it is. Mr. Jaehnig showed the Board a series of photographs of the property. He added that the site is currently an open meadow. He showed an area on the plan where a fill pile is located along with years' worth of debris. Mr. Jaehnig said that the owner of the property has maintained it as an open meadow. He referred to photographs 3 & 4 which show the open meadow. Mr. Jaehnig said that the application includes a mitigation plan with planting mostly in the wetland area. He showed the Board different plantings, trees and shrub locations on the plan. He added that the mitigation includes "beefing" up the wetland and removing the fill and brush piles from the site. Mr. Jaehnig said that there will be an herbaceous seed mix planted along the driveway. Mr. Barnett asked if the septic system area will be a planted area. Mr. Jaehnig said that it would be maintained as a meadow or mowed one to two times per year.

Mr. Jaehnig said that the lawn will be planted with a native turf mix. Ms. Black asked about the area located in the rear of the house. He replied that another element of this application is a stormwater and Cultec system that will be installed in this area. Ms. Roth said that the area in question is not the local wetland but the NYSDEC buffer. Mr. Krupa said yes, it's in both the local and State DEC buffer. Mr. Jaehnig said that there is a natural demarcation where the buffer is located as it is slightly sloped. He added that they are proposing large boulders to demarcate the buffer area. He added that there is about a 4-foot drop from the elevation to the wetland area. Mr. Barnett asked if there would be a path from the house to the pond. Ms. Roth said that there is a flood zone on the site; therefore there is a ledge in this area. Ms. Roth said that the wetland boundary was very hard to demarcate as it is a mowed area. She added that it is a beautiful flat site meant for a house and then it drops off a bit due to erosion. Ms. Black asked if the area is currently mowed up to the lake. Ms. Roth replied yes. Ms. Roth stated that this plan is a great improvement.

Mr. Krupa asked about the quantification of the disturbance verses the mitigation. Mr. Melamed showed the disturbance area which totals 4,172 sq. feet. Mr. Melamed said that the mitigation total is about 10,000 sq. feet. Ms. Black asked if the lot coverage was actually greater than what is the house profile. Mr. Melamed showed the house, deck and driveway, which are all included in the totals. Mr. Krupa said that most of the mitigation proposed is in the wetland itself and normally the Board would like to see plantings in the buffer for protection. He added that as Ms. Roth said, the wetlands themselves are currently mowed and this would be an improvement.

II. LAND USE ACTIVE- CONTINUED 1. Byram Ridge Road

Ms. Roth added that there is nothing in the town code that prevents this from occurring when it's needed. She said that this is a judgment call to be made by the Board but reiterated that this is an improvement from what currently exists. Ms. Roth asked for the landscape plan to be shown. She said all of the plants proposed are native plants. Mr. Benedict agreed. Ms. Roth referred to her memo that states that no planting can be done in the village right-of-way. Mr. Melamed showed the revised landscape plan which does not have any planting in the right-of-way. The Board briefly discussed planting in a right of way. Mr. Drapeau asked if any trees will be removed. Ms. Black asked to see the tree removal locations on the plan. Mr. Jaehnig showed the Board the proposed tree removal locations. He said there are a total of five trees to be removed. Mr. Benedict asked what types of tree species are being removed. Mr. Jaehnig said that they are mostly pine trees located in the proposed driveway area. Ms. Roth asked if the planting plan includes tree plantings. Mr. Jaehnig replied yes, tree species include red maple trees and grey birch. He added that they have proposed 12 trees, 232 shrubs, and about 740 herbaceous plants which include arrow wood, bayberry, spice bush, northern bayberry, Christmas fern, New York fern, and winterberry. He added that the plants have been positioned to alleviate drainage issues. He added that seed mixes will be dispersed among the plantings. Mr. Krupa asked Mr. Benedict and Ms. Roth if they approved of the tree species proposed. Ms. Roth and Mr. Benedict replied yes. Ms. Black asked Mr. Benedict if he had a chance to review the planting list. He replied yes. Mr. Jaehnig said that the red maples are virtually "bullet proof". Mr. Benedict agreed. A brief discussion on tree species blight briefly occurred. Mr. Benedict said yes, this has been going on for decades. Mr. Benedict asked about no. 7 on the plan and what organic content would be used in the planting process. Mr. Jaehnig replied that they would be using a potting soil. Mr. Benedict recommended using woodchips as an organic matter with the topsoil. Mr. Krupa asked about the notation in the memo about the scale on the site plan. Ms. Roth said that she reviewed the plan and the scale needs to be revised. She added that two plans were superimposed and maybe in that process, something was lost. Mr. Jaehnig noted that there is a note about not using pesticides and insecticides on the site. Mr. Krupa said that the memo included the recommendation of a five-year maintenance and monitoring plan. Ms. Black said yes, the town code requires a five-year maintenance and monitoring plan. Mr. Jaehnig said yes, the applicant has no objection to this request. Mr. Barnett asked about a photograph that was shown and asked what it is. Mr. Jaehing said that this is a great question, and thinks that it is an old well. He added that the old well will be abandoned. Mr. Drapeau asked how far the proposed septic system location is from the proposed well. Mr. Melamed said that it is separated by more than 100 feet. Ms. Roth asked where the new well location will be. The well location was shown to the Board which is located at the corner of the site. Mr. Krupa asked the Board if they had any other questions.

Mr. Krupa informed the representatives that they are unable to provide a recommendation until after a presentation is made later in the evening by the Byram Ridge Association.

II. LAND USE- ACTIVE – CONTINUED 1. Byram Ridge Road

Mr. Melamed said that this would create a problem because there is a public hearing on August 1, 2022. Mr. Krupa said that we can vote on the project this evening after the Association's concern is stated.

A motion for recommendation was made by Jane Black and was seconded by Andy Block. The Board was in favor of the motion.

2. 84 Round Hill Road – Steven Lopez represented this application, which is located at 84 Round Hill Road. A previous application for this site was approved by the Board in 2019 and a stop work order was issued on this site. Mr. Krupa gave a brief synopsis of this application to the Board. Ms. Roth showed the Board several photographs of the site. Ms. Roth showed a small section of the wetland on the site that was not disturbed in the construction process. She showed the photograph of the dock that was installed and trees that were planted in the wetlands. Ms. Roth showed a wire near the pond that she believes is a possible aerator for the pond. Ms. Roth said that all of the plantings in the location shown do not meet the town code. Mr. Barnett said the Board spent a ton of time on this application and wanted to know if they met the requirements that were stated in the approval. Mr. Krupa asked the Secretary if she brought the old file on the project. She replied yes. Mr. Barnett asked what the enforcement issue from the town is. Mr. Krupa said that this is not a local issue but a state issue. Ms. Roth said that the house has been constructed. Mr. Barnett asked if they did what they were supposed to do on the site. Ms. Roth said that they were not supposed to plant any plants in the wetland buffer. She added that the wetland area has been mowed and everything has been "chopped" in the area. Ms. Roth said that the State has accepted the new mitigation plan submitted and said that this is not acceptable as there are trees that are dying. Ms. Black asked Ms. Roth what the applicant needs to do. Ms. Roth said that the applicant needs to repair the area in question on the plan that she showed to the Board. She added that the applicant should come back with a more realistic submission. Mr. Krupa said that the Board had approved this application in 2019 and indicated that the wetland area should be untouched. Ms. Roth said that a substantial amount of fill was brought onto the site. She added that it could be from the neighboring site which he owns. Ms. Black said that a site walk should be done. Mr. Krupa said that he has photos from the previous site walk on his phone. Mr. Drapeau said yes, we definitely need to go back to the site. Ms. Roth said that the house cannot be removed, but we need to try and make what is currently there better. Mr. Krupa said that our role is to follow New York State mandates and Town code to help repair this site. Mr. Barnett said that it is a shame as we spent a lot of time on this application and we should schedule a site walk and not give the applicant any more time tonight. Ms. Black said that we can tell Mr. Lopez that the mitigation submitted is not acceptable and a site walk will be scheduled at the end of the meeting. Ms. Roth said that the Board is not obligated to accept the submission.

Ms. Black asked Mr. Lopez what happened with the previously approved plans and what currently exists on the site.

II. LAND USE ACTIVE – CONTINUED – 84 Round Hill Road

Mr. Lopez said that he was not involved with the first site plan and received a phone call from the applicant saying that “things had changed”. Mr. Lopez went to the site and said that primarily there is an herbaceous meadow that runs to the waterfront which was about 100 feet wide. Ms. Black why this happened. Mr. Lopez said the area was a seeded lawn with fescue. He added that they have not finished addressing the New York State Department of Environmental Conservation (NYSDEC) plan. Mr. Lopez said he had his associate meet with the NYSDEC representative about the plan they submitted. He said the NYSDEC asked the applicant to add plantings along the waterfront along with planting redtop fescue in the lawn area. He added that most fescues are knee high in height. Mr. Block said he appreciated Mr. Lopez attending the meeting and the work that he has done, but he didn’t find this helpful as the Board needs to see what was approved and what was done on the site. He added a site walk needs to be done. Mr. Krupa said yes, we need a deeper presentation and that should probably be done on the site. Mr. Barnett added that he is incredibly frustrated because the Board had discussed this application with the applicant for a total of three meetings and the credibility of the applicant is incredibly compromised. He added that all he wants to hear about is what happened to the plan that was originally approved and what was done. Mr. Lopez said he doesn’t have an answer for that. Mr. Barnett said that until we have an answer for that he doesn’t want to hear about red fescues or anything else. Mr. Block said that it would be great if the applicant can attend the next meeting for discussion. Mr. Lopez said his client was planning on attending this meeting, but he was held up in New York City. Ms. Black said it may be helpful for the applicant to have a discussion with Ms. Roth, Town Wetland Consultant, about what she has observed at this site. Mr. Krupa said the Board needs to set up another site walk. Mr. Block asked Mr. Lopez to ask his client to attend the site walk to provide the Board an explanation. Mr. Lopez replied yes, he will talk to his client.

3. 23 Bedford Banksville Road - Peter Gregory represented this application, located at 23 Bedford Banksville Road. Mr. Gregory explained that he has presented to the Town Board & Planning Board. He said that the potential owners would like to restore the existing outbuildings and create a retail home improvement center that will house stone. As part of the application, the possible owners would like to legalize the rear of the property by eliminating the intrusions in the whole buffer area and restoring it. As part of that process a majority of that activity occurs in a state wetland buffer. Mr. Gregory stated the applicant would like to create the retail center in the front of the site and eliminate the contractor’s yard. He said the area would be re-graded and a 25-foot wetland strip would be installed. Mr. Gregory informed the Board that the NYSDEC recommended the use of jersey barriers to demarcate any activity from entering the buffer area. He said that the center area of the site would be restored and mowed one time per year as a limited mow zone. Mr. Gregory said that the mitigation plan includes tree plantings such as pine trees along the boundary or property line.

II. LAND USE ACTIVE -CONTINUED – 3. 23 Bedford Banksville Road

Ms. Black asked for the quantification of the amount of disturbance and the mitigation. Mr. Gregory said the disturbance is about one acre of disturbance. He added there is about 49,000 sq. feet of mitigation that includes screening.

He informed the Board they were asked to look at the existing septic system. He said the septic system was constructed in 1970. He added they did look at other locations for a new system and were unable to find another suitable location. He informed the Board that a series of deep hole tests were performed on the side and rear of the existing building. The results showed high ground water and tests were found to be unsuitable for a new septic system. The results concluded that the existing septic system's current location is the most suitable. Mr. Krupa asked if the existing septic system is in good working condition. Mr. Gregory replied yes. He added there are about 7 feet of sandy soils in the septic system area and a pump chamber pumps up to a distribution center in that area. Ms. Black asked if a new septic system would be constructed. Mr. Gregory said no, they would use and maintain the existing septic system. He added they are not expanding the current system. Mr. Barnett asked if the site is restored and the proposed retail space is approved, would this include leaving anything to the left of the Jersey barrier untouched. Mr. Gregory replied yes, that is correct. Mr. Gregory showed the Board an aerial photograph of the site. Mr. Krupa asked if the client would consider a conservation easement. Ms. Roth asked for Mr. Gregory to show the Jersey barrier on the plan. Mr. Gregory complied with the request. Ms. Roth asked if the existing contractor's yard would be eliminated. Mr. Gregory replied yes. Ms. Roth said that the use of the Jersey barrier could cease once the area has been restored. Mr. Gregory said that he recommended leaving the barrier as there is a mesh fence on the top of the barrier. Ms. Roth referred to a comment made by John Kellard which stated that the area under the barrier is wetlands as all of the soils under the barrier were showed to be hydric soils and had suggested removing the barrier and restoring the wetland. Mr. Gregory said he didn't think his client would be opposed to that. Ms. Roth said once the barrier is taken off the site, the area should be seeded. Mr. Krupa said that he fully supported Mr. Kellard's recommendation. Ms. Roth said that if the owners consider the conservation easement, they can get a tax write-off. Ms. Black asked if we should ask the owner to take some soil samples to test for contaminants. Mr. Gregory said that the possible property owners are not in the position to do that at the moment. He added he was unsure of the timing on this but this would need to be done regardless. Ms. Roth said the owners need to remove the piles of dirt that are on the site. She added that this application is significant for the environment.

A motion for recommendation was made by Adam Barnett and was seconded by Jane Black. The Board was in favor of the motion for recommendation.

4. 655 Bedford Road – Ralph Alfonzetti presented this project, which is located at 655 Bedford Road. This is a 20-acre open space parcel and Mr. Krupa said the Open Space Committee is planning to give a positive recommendation on this proposal.

II. LAND USE- ACTIVE- CONTINUED – 4. 655 Bedford Road

Ms. Roth said yes, the applicant has offered to donate the center of the property to the town. Ms. Roth said the representative needs to show the disturbance on the easement. She said that the concept is favorable. Mr. Barnett asked if the donated area is buildable. Ms. Roth said that the possible donated area or easement is constrained.

Ms. Roth asked Mr. Alfonzetti to show the outlet roads to the site. Mr. Alfonzetti said that the property connects to Route 22 and Hemlock Hollow Road. He said there is an existing house on the property which is beside the “castle” in North Castle. He said there have been two sets of plans that were presented to the Planning Board. One is a six lot subdivision that would have significant disturbance areas that the owner does not want to build. Mr. Alfonzetti said his client wants to build on the two-lot subdivision which would allow the existing house to remain and this would require the new proposed house to be entered from Hemlock Hollow Road. He said the 17 acres on the plan could be developed. The remaining 14 acres would be a conservation easement which would be donated to the town. Mr. Alfonzetti stated that in this plan there are no wetland disturbances, however there would be steep slope disturbance. Ms. Black said yes, you need to present both plans to the Planning Board. Mr. Barnett asked why the owners are considering a conservation easement. Mr. Alfonzetti replied the owner is considering the easement for tax purposes. Mr. Barnett asked if the area gets appraised for the 14 acres and then the owner would receive a tax write off. Mr. Alfonzetti replied yes, they would get a write off for four lots. Ms. Roth informed Mr. Alfonzetti that he needs to show mitigation on the plan where areas could potentially be used. Mr. Barnett asked why there is a need for that. Ms. Roth said this is a town code practice. Ms. Black suggested that Ms. Roth have a meeting with Mr. Alfonzetti to discuss the revised plan so that it meets the town code requirements.

A motion was made for recommendation by Adam Barnett subject to a meeting between the Client/Representation and Ms. Roth, and was seconded by Craig Benedict. The Board was in favor of the motion.

5. 25 Edgar Road – Susan Roth, Kellard Sessions Consulting, gave the Board a brief synopsis of this site and reminded the Board of the photos shown of the site at the May Conservation Board meeting. She said the applicant has met with the NYSDEC. She said that the level of the pond needs to be restored for the sake of the animals and deer fencing needs to be removed. She added many of the existing plantings need to be removed beside the wetland. Ms. Roth said that the planting has been done over a 20-year period. Mr. Krupa asked about Ms. Roth’s memo which referred to removing non-native shrubs. Ms. Roth said non-native plants are spread throughout the property and was referring to the area around the wetland. Craig Benedict recused himself from this application.

Steven Marino and John Fry represented this application, which is located at 25 Edgar Road. Mr. Marino showed the Board a set of plans that included a new addition from the 1990s and the wetland location. Ms. Black asked Mr. Marino to show the Board the pond location.

II. LAND USE- ACTIVE – CONTINUED – 5. 25 Edgar Road

He complied with Ms. Black's request. He showed an upland hill on one side of the property. John Fry, Architect, explained the current owner has owned the house for about 20 years. He said the process of "cleaning up the file" for this site commenced about one year ago. He added improvements that were done on the site "bubbled up" and then in the process it has taken many twists and turns and that's why they are here tonight. Mr. Marino said that there are town and New York State wetland areas on this site. The pond on the site flows to Greenwich and joins in the Byram River then flows into the Long Island Sound. Mr. Marino said the town consultant and representatives from the NYSDEC have been to the site. He passed out photographs of the site to the Board. Ms. Roth said that a photo should be shown of the bog. Mr. Marino said that terracing on the site was constructed and it is very densely vegetated. Mr. Marino said that the applicant has made this site into his version of an arboretum that does include non-native plants and species. He said that there are native grasses beside the pond that have been maintained. He showed the naturalized area along the fence and the existing pathway on the plan to the Board. Mr. Marino referred to an aerial photograph from the year 2000 which showed what the property looked like when it first began to be developed. Ms. Black asked if the house was built in the year 2000. Mr. Marino said it was a few years old when it was purchased by Mr. DiGiacinto. Mr. Marino showed an aerial photo from 2009 which shows when the terracing began. Ms. Roth said prior to the 2000 photo shown the area located beside the pond was completely forested. She showed the Board the photo and said there was a slight bit of vegetation but that area had been cleared. Ms. Roth said the area that was cleared was in the buffer zone. She added the applicant then cleared all the way around the pond. Mr. Krupa asked Ms. Roth if some of the plants planted are non-native. She replied yes. Ms. Roth said the applicant also cleared an area on the neighboring property. Ms. Roth said this area should be planted with a wildflower mix. Mr. Marino said that they have spoken to the NYSDEC representative via email and provided the Board a copy with the email correspondence with the State. He said that the representative recognized there is a state wetland and that there has been activity on the site and she was not interested in pursuing any violations. He added the representative said that the site is vegetated and stabile.

Ms. Roth said she was glad that the NYSDEC was contacted. Mr. Marino said yes, the project engineer was also at the site walk with the NYSDEC. Mr. Marino said the applicant would like to "clear" the violations on the site so that he can sell the property. Ms. Roth said there should be a connection between the land bridge and the wetland. The elevation there should be lowered to allow creatures passage in and out of the pond. Mr. Marino said there is a culvert and a footpath in this area. Ms. Roth said yes, but the grade needs to be lowered by the pond. Mr. Marino asked Ms. Roth to show him the location on the plan. She complied with his request. Ms. Roth said the applicant can keep the existing deer fence but make it a zero-grade entry in that area. Mr. Marino asked if the culvert should be removed.

II. LAND USE- ACTIVE – CONTINUED – 5. 25 Edgar Road

Ms. Roth replied no, the culvert can remain. Mr. Drapeau said it would be a zero entry like a beach so that animals can climb in and out. Ms. Roth said this would turn that pond into a productive area for fish and wildlife. Mr. Marino said yes, this would provide a “critter crossing” situation. Ms. Roth replied yes. Ms. Black said the memo stated that the north side of the pond should be a no mow zone, which is great. She added the memo stated that there should be more native species planted. Mr. Krupa asked if the applicant is prepared to complete all of the changes that have been suggested. Mr. Marino replied yes, absolutely. He added NYSDEC requires the applicant to apply for a permit for any work in this area. Mr. Krupa asked if there is a way to quantify what was done or have some sort of map to show the quantifications. Ms. Roth said if the applicant was required to mitigate all that was done over the last 20 years it would be very hard to do. She added the property has many plants, trees and shrubs. Mr. Marino said the property is vegetated and stable. Ms. Roth said to make an inventory of the trees on the other side of the pond and plant native trees in this area. Mr. Block said that this could be an opportunity for off site mitigation. He added that this site has had major disturbances and suggested a site walk. Mr. Block said he’s sure that the area is lovely and this wouldn’t be a penal violation, it should be that “this is what you should have done”. Mr. Krupa said yes, just because it looks nice, doesn’t make this scenario acceptable. He asked the representatives if they know about the prospect of contributing to a bank in lieu of mitigation. Mr. Block briefly started to explain the process and Mr. Marino said, he understood the concept. Mr. Marino said yes, this would be the only way to complete that process because it would be very hard to quantify the site. Mr. Marino said in this situation they would need to buy a park. Mr. Block asked if it would help to do a low estimate and discuss if the Board would like to pursue this. Ms. Roth asked Mr. Marino if he could calculate the number needed. Ms. Roth said that this is a complicated issue because there is an area that has been forested and re-forested. Ms. Roth said if the re-forested areas are native plants this could count as mitigation. Ms. Black used a square footage example to explain to Mr. Marino. Mr. Marino said that there are no additional areas that could be planted on the site. Ms. Black said yes, but the town has a mechanism that would apply an unsatisfied mitigation requirement to a town fund or bank in lieu of mitigation on site. Mr. Krupa said yes, if we as a Board approve this as is, this could pose a problem with a similar application in the future. Mr. Block reiterated that is “catching up” or “making it right” and is not penal. The Board agreed. Mr. Block asked if the representatives could provide an archeological review of the site. Ms. Roth said the trees around the pond could be counted as long as they are native trees. She added that she doesn’t think that there is an inch of property that is not covered with a plant or tree. Mr. Krupa stated that there is no place on the property to plant any plants. Ms. Roth said yes, that is correct. Mr. Krupa said he agrees with Mr. Block’s statement that if we allow this for this application to continue as is it could be problematic for this Board in the future. Mr. Marino said he didn’t think that the applicant would object to the Board’s recommendation.

II. LAND USE- ACTIVE- CONTINUED – 25 Edgar Road

Ms. Roth said the town does have a provision in the town code that says that the Board can use its own judgement for the amount of mitigation that would be required. Ms. Roth said the neighboring property can be restored and this would be considered part of the required mitigation. Mr. Krupa said yes, the applicant could also use invasive removals as part of the mitigation requirements. The Board agreed that a site walk is needed. Mr. Krupa said the site walk could really help with this part of the discussion.

6. 11 Bedford Banksville Road – Kory Salomone, Esq. represented this application, which is located at 11 Bedford Banksville Road. Richard Green, owner, was present at the meeting. Mr. Salomone said the property is approximately 11.6 acres and is located in the CBB Zone. He said the site has been used as a contractor's yard and nursery since the 1930s. He said that the owner had applied for a permit for the existing nursery and was told that it was in a flood plain. Mr. Salomone said he then applied again for the nursery to be located out of the flood plain. The stop work order was lifted and they were allowed to continue with construction. Mr. Salomone said the applicant was told that they should have never received a permit as the applicant never submitted a site plan and without a site plan, no permits can be issued. Mr. Salomone said after the site walk was completed with the Town Board, a discussion ensued on how to proceed. The result was that a recommendation was made to apply for a permit for the contractor's yard and a separate permit for the nursery. A public hearing has been scheduled with the Planning Board for August 1, 2022, and on August 17, 2022, with the Town Board.

Mr. Krupa said he thought it was relevant for the Board to know the history of the site. Mr. Green said that he bought the property in 2009. Mr. Krupa said there is a retaining wall on the site that John Fava, former Conservation Board Chairman, had recommended. Mr. Salomone said yes, the wall limits the amount of disturbance. Ms. Roth said John Kellard recommended a creation of a berm along the river. Mr. Salomone said yes, this has been done. Ms. Roth said that there is no place for mitigation on this site except for the rear of the site. She said that the mitigation requirements could include cleaning up the debris that has been dumped in the rear of the site. Mr. Krupa said he was at the site walk and the stream abuts the property, but also juts back onto the property. Mr. Krupa said the applicant is very cognizant of the wetland on the property and wetland protection on the property. Mr. Krupa said there could be a conservation easement on the site. Mr. Green said all of the debris dumping in the rear of the site has been removed from his property. Ms. Roth said the invasive species in the wetland can be removed as part of the mitigation requirements. Mr. Krupa asked the applicant if he would consider an easement in the rear of the property. Mr. Green said he was unsure. Mr. Salomone said an easement can be offered, but it cannot be required by the Board. Mr. Krupa said yes, and it would include a tax benefit and provide the mitigation requirements needed. Mr. Green asked Mr. Salomone his thoughts on this suggestion. Mr. Salomone said this area cannot be used and there are no areas on the site that can be mitigated so an easement would be favorable.

II. LAND USE ACTIVE- CONTINUED – 11 Bedford-Banksville Road

Ms. Roth asked if an old car was dumped in the rear. Mr. Green said yes, this was what was the practice in the 1930s. Mr. Krupa said this area cannot be used and it would be an easy solution. Mr. Green said he could maintain the stream and clean out the stream as needed. He said that there are trees in the stream that will eventually block the stream. Ms. Black said yes, this would be considered mitigation. Ms. Roth said that there should be a five-year maintenance and monitoring plan for the berm area. Mr. Block said that he appreciated the applicant's consideration for the conservation easement.

A motion was made for recommendation by Andy Block and was seconded by George Drapeau. The Board was in favor of the motion.

III. LAND USE –PENDING – No applications are pending.

IV. WORK PROGRAM

1. Website Improvements – No discussion.

2. Planning Board Reports – Reports were sent to the Board via e-mail by George Drapeau (May 9th), Adam Barnett (May 23rd), Adam Barnett (June 13th), and Andy Block (June 27th). No discussion.

3. RPRC Report – Reports were sent to the Board via e-mail by Andy Block (May 3rd & May 17th) Adam Barnett (June 7th), Andy Block (June 21st), Craig Benedict (July 5th & July 19th). No discussion.

V. NEW BUSINESS

1. Byram Ridge Association – Jack Harrower, President of the Byram Ridge Association, and Vincent Giordano, Vice President of the Byram Ridge Association attended this meeting to voice their concerns about the Byram Ridge application that was presented at the beginning of this meeting.

Mr. Harrower said he is here to voice concerns from the owners from the Byram Ridge Lake Association. He said it is a very nice lake and they are concerned about the application that was presented earlier in the evening to the Board. He said there are about 12 houses located on the lake and they are concerned about the application encroaching onto the lake. He added that if someone doesn't take care of the lake, they will have algae and lily pads and this is the concern. He said that in the past owners have said that they would provide protection to the lake and then "things happen". Mr. Drapeau asked if the Association has guidelines. Mr. Harrower said yes, there are guidelines given. Mr. Giordano said part of the agreement includes bylaws that protect the lake. Mr. Krupa asked if the by-laws are transferred to new owners. Mr. Harrower said yes.

V. NEW BUSINESS- CONTINUED- 1. Byram Ridge Association

Ms. Roth said the property owner is mowing down to the lake and this is in a flood zone. Ms. Roth informed them this is bad for the wetlands. She added the application in question is restoring some of this by adding wetland plants. Ms. Black said the application includes planting of the entire strip by the lake and it will no longer be mowed. Mr. Giordano said this is the “stuff” that is killing the lake. Mr. Giordano said that he is a civil engineer and this site plan looks good, but other owners have come in with plans and then do whatever they like once they get approvals in place. Ms. Black said that the town code requires a five-year maintenance plan. Mr. Giordano said yes, but all of the plants on another site have been removed to provide for a volley ball net. Mr. Giordano asked how do we enforce that the plants remain. Ms. Black said that we approve the plans but we are not an enforcement board. Mr. Harrower said that he thought the Board was going to do a site walk. Mr. Giordano said that this is very frustrating because he has seen applications approved and then everything that was approved get removed. Ms. Roth said this has a five-year maintenance plan and explained the process to Mr. Harrower and Mr. Giordano. She added that this particular plan will require a bond for approximately \$40,000 that the town holds until the plantings are installed. She added that this gets released after 5 years. The plan is still on file and you could probably contact the Building Department if any issues should arise after the five-year mark. Ms. Roth said the application includes a Cultec drainage system. Ms. Roth said that the NYSDEC jurisdiction includes the edge of the pond so if any resident incurs damage on the edge of the pond the NYSDEC can be contacted. Mr. Krupa said that these are all concerns of this Board.

Mr. Harrower asked if this application would improve the area. Ms. Black said yes, this area would be greatly improved with this plan. Mr. Giordano said that he hadn’t seen the differentials and asked if a trough was to be used or a detention basin. Ms. Roth said that that there is a hill where dumping occurs. Mr. Giordano said that these are peat bogs. Mr. Giordano explained the workings of the pond. Ms. Roth said that this “slight hill” will be removed. Mr. Giordano said that he moved in to his home in 1996. He said that there were algae blooms formed due to fertilizers and pesticides. He added that his concern is to keep the pond clean and not to maximize the bedroom count on a property. Mr. Giordano said that if there is no vegetation beside the lake then geese come to the lake. Mr. Krupa said that there are 30 feet easements on each property and maybe the Association can do more than the town can. Mr. Harrower asked if the plan will be approved. Ms. Black said that in order to receive the certificate of occupancy the applicant must complete the planting plan. Mr. Harrower asked who oversees this. The Board informed him that Kellard Sessions has jurisdiction. Ms. Roth said yes, this is her task. Mr. Drapeau asked how big the pond is. Mr. Giordano said that this watershed area is 84 acres. He added that this is why this area is a very sensitive and very deeply bogged w flowing south towards Hunter Avenue and ending south near Byram Hill Road. He informed the Board of a brief blockage that occurred many years ago when the pond was drained to alleviate the issue. Ms. Roth said she asked the applicant to move the wetland boundary line up because there is evidence of saturation in this area.

V. NEW BUSINESS – CONTINUED- 1. Byram Ridge Association

Mr. Giordano said that he felt much better and was glad that he attended this meeting. A brief discussion took place regarding another property on the lake that will be coming to the Board at a later time.

2. “See Something Say Something” – A brief discussion took place regarding violations and fines and the follow up on complaints made by residents. A video taken by Mr. Benedict was shown to the Board about tree cutting done in a wetland buffer by a neighboring property. He believed that this was done without a permit. The tree cutting ceased after Mr. Benedict approached the tree company asking if they had a permit. Mr. Benedict said he was going to report the tree cutting to the Building Department.

3. Tree Discussion – Mr. Krupa said that the timing is now for the memo on tree codes to be submitted to the Town Board. He said that he believes that legislation can be changed on this topic. Mr. Drapeau and Mr. Benedict said that they will be meeting next week to complete the memo to be submitted to the Town Board.

4. Submission Checklist- Homeowner Requirements – No discussion.

5. Plants – Discussion – No discussion.

VI. CORRESPONDENCE & ANNOUNCEMENTS

1. Ed Woodyard – Scenic Roadways - Ed Woodyard asked the Board to take the lead on spearheading support about supporting a scenic roadway in the King Street/Route 22 roadway. He said that this has support from the Town Historical Society and the Landmark Preservation Committee. Mr. Woodyard said that he was trying to make a scenic streetscape or historic marking for the King Street corridor down to Route 22. He said that there are two major developments proposed on either side. He added that in order to preserve and protect the area a Board needs to be the lead on this. Mr. Woodyard said he sent the link on how to proceed on this and asked Mr. Krupa if he received this. Mr. Krupa replied yes. He said that it has basically been done in the area around the Mianus River Gorge. He reiterated that the Historical Society has given their approval on proceeding with this process. Mr. Krupa said that he will send the link to the Board. Ms. Roth asked if this is for SEQR processes purposes, Kellard Sessions Consulting can provide assistance. Mr. Woodyard said that there is an urgency on this as the Town of Greenwich has been presented with a very large residential living application. Ms. Black said that this Board has never been a Lead Agency. She added that we cannot declare ourselves as a Lead Agency. She added that the Town Board would need to declare the Conservation Board as the Lead Agency.

**VI. CORRESPONDENCE & ANNOUNCEMENTS – CONTINUED – 1. Ed Woodyard-
Scenic Roadways**

Mr. Woodyard said that the proposal must come from this Board. Ms. Black asked if we should send the proposal to the Planning Board or to the Town Board. Mr. Woodyard said that it should be sent to the Town Board.

Mr. Drapeau said that this may be a question that Mr. Berra, Town Board Liaison may be able to assist with. Mr. Woodyard said that there is an urgency to designate this as a scenic roadway and “the sooner the better”. He said he believes from a conversation with Adam Kaufman, Town Planner, that there has been support from New York State and Westchester County. Mr. Krupa said that he thought the State & the County had complained about the density of the proposed projects in this area.

Mr. Woodyard invited the Board to attend the presentation of Mt. Misery to the Town Board at its regular meeting on July 27, 2022. He said that he would like to get as much support for the Mt. Misery parcel purchase. The Board thanked Mr. Woodyard for his presentation and information.

Mr. Krupa said that he thought this was a brilliant idea and wanted to support this streetscape. Ms. Black agreed but wondered how far this would go due to company buildings that exist such as American Can and Swiss Re. Mr. Drapeau informed the Board about protection being done by the State for Rye Lake as it is a very sensitive area. Mr. Krupa offered to write the memo and send it to the Town Board. Mr. Drapeau said that if you get approval for 300 feet or more it is better than nothing.

2. Site Walks – Site walks were scheduled for:

July 29, 2022 - 12:00- 84 Round Hill Road

July 29, 2022 - 12:45- 25 Edgar Road

Ms. Roth asked the Secretary to ask the applicant at 25 Edgar Road to make sure that the gates are open on the 25 Edgar Road property.

VII. OLD BUSINESS – Mt. Misery – Mr. Krupa asked the Board how they would like to proceed regarding the Mt. Misery parcel. The Board agreed that a memo showing support should be submitted similar to the memo submitted by the Open Space Committee. George Drapeau offered to write the memo and submit it to the Town Board.

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VIII. ADJOURNMENT - A motion to adjourn the meeting was made by Craig Benedict, and was seconded by Jane Black. The meeting was adjourned at 10:45 P.M.

IX. DATE OF NEXT MEETING: September 20, 2022.

Julie Mucker, Secretary
Conservation Board

File Name: Minutes71922