



**TOWN OF
NORTH CASTLE
CONSERVATION
BOARD**

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**THE 476TH REGULAR MEETING OF THE NORTH CASTLE
CONSERVATION BOARD
TOWN HALL- COURTROOM
TUESDAY, OCTOBER 18, 2022**

Corrected

PRESENT: Adam Barnett; Craig Benedict; Jane Black, Co-Chair; Vincent Giordano; John Krupa, Co-Chairman; Nora Manuele; Erin Nenadich; José Berra, Town Board Liaison; Susan Roth; Kellard Sessions Consulting;

NOT PRESENT: Andy Block; George Drapeau III.

GUESTS: Dean Pushlar represented 33 Woodland Road
Alan Pilch and Paul Eisenberg, homeowner, represented- 47 Windmill Road
Stephen Lopez and Tomasz Fidziukiewicz, homeowner, represented- 84 Round Hill Road
Robert Schweitzer represented – 10 Henkers Farm Road

I. MINUTES: Minutes of the regular meeting, which was held on September 20, 2022, were approved as corrected. A motion was made by Craig Benedict and was seconded by Nora Manuele. The motion was unanimous.

II. LAND USE: ACTIVE 1. 33 Woodland Road – Dean Pushlar represented this application, which is located at 33 Woodland Road. Mr. Pushlar showed the Board photographs of the site. Mr. Pushlar said the owners purchased the house about one year ago. He said the site is triangular and there is a very long driveway that loops around to the back of the house; which is the front of the house. The rear of the house overlooks a man-made pond. The 100 ft. buffer line and septic system location were shown to the Board. Ms. Black said half of the house and most of the buildable area is in the wetland buffer. Mr. Pushlar replied yes, that is correct. He said the wetlands have been flagged by Mary Jaehnig. He said Ms. Jaehnig prepared a functional analysis of the site and asked if the Board had received this. Ms. Black replied yes. Mr. Pushlar referred to a photograph that showed the rear of the house with an existing lawn and wooded areas. He said the pool design was altered many times in the design stage to pull the pool further away from the wetlands and as close to the house as possible. He showed the Board the proposed pool location and existing well location. He said the final design concept tried to reduce the footprint of the pool.

Mr. Pushlar said that there would be disturbance which includes driveway access and a 4-foot retaining wall to build up the elevation grade needed for the proposed pool. He said there would be a small patio area beside the pool to allow sunlight for the pool area.

II. LAND USE: ACTIVE- CONTINUED – 1. 33 Woodland Road

He said they are utilizing the existing deck, which was shown to the Board. Mr. Krupa asked where the septic system location is located. Mr. Pushlar showed the location to the Board. Mr. Pushlar showed the driveway and setbacks on the plan to the Board. Ms. Black asked if a vanishing edge pool was considered which would reduce the pool by a few feet. Mr. Pushlar said that he is not in favor of vanishing edge pools because in this environment there would be a lot of steel needed. He added a lower sump pump would be needed to catch the runoff and it would be counterproductive. He said he tries to stay away from vanishing edge pools. He showed the Board the drainage system that would include three Cultec systems that would capture runoff which is currently draining into the ground. He said that there would be no increase in runoff.

He said the site would be “beefed” up with mitigation that included native plants. Ms. Black asked if there is a quantification of the proposed disturbance. Mr. Pushlar said yes, the total amount of mitigation would be 5,700 sq. feet and another area of over 15,000 sq. feet. Mr. Barnett asked about the larger area of mitigation that shows invasive removals. Mr. Pushlar said if you go to the site; you can see the large number of invasive plants and apologized that he didn’t have a photograph to show the invasive species on the site. Mr. Pushlar asked Ms. Roth if she had seen the large number of invasive plants. Ms. Roth said yes, but it would be beneficial for the Board to see the site. She added the proposed pool is in the buffer and that location should be seen by the Board. Mr. Krupa said most of the house is in the buffer. Ms. Black said yes, the Board needs to see the site as she is the only member who has been to the site.

Mr. Pushlar said they proposed to remove 4 dead trees. Ms. Roth asked if the trees she pointed out at their site walk are healthy. Mr. Pushlar said that there are burrows on the trees, but they are in good condition. Mr. Krupa asked about the manmade pond and asked what that does to the soils. Ms. Roth said that this house was built in 1992 and the pond was dammed and surrounded by forested wetlands. She said this was allowed 40 years ago and the areas in the pond were part of the wetland. Ms. Roth said there is a lot of silt grass on the site because it was not maintained. She said that the runoff from this property effects the water downstream. Mr. Krupa said yes, of course. Ms. Roth said the current owner mows to the edge of the pond and this allows geese to enter the water and it would be better if there are mitigation plants around the edge of the pond to deter the geese. She said it is not easy to remove silt grass but it’s easier to remove than phragmites. Ms. Black referred to the memo written by Ms. Roth which states that the proposed plants should be all native plantings in the buffer area. Ms. Black said the memo also states that there is a no mow area located by the steps and this should be changed. Ms. Roth said that this is not a practical place for mitigation. Ms. Black if it would be beneficial to have a no mow zone closer to the pond where the plantings are located. Ms. Roth said yes, they have dogs and children and she would prefer to have plantings closer to the pond edge which include obligates. Mr. Krupa said all of the disturbance is within the wetland buffer. As a Board we struggle to put an amenity in a buffer area and asked Mr. Pushlar how this would improve the buffer area. He said the Board is usually not in favor of disturbing a wetland buffer.

II. LAND USE: ACTIVE- CONTINUED – 1. 33 Woodland Road

Mr. Pushlar said that they are adding plant material and erosion controls. Ms. Roth said a lawn area beside a pond degrades the pond. Ms. Black said yes, and there is quite a slope in this area. Ms. Black said that a site walk will be scheduled and the Secretary will notify the representative of the date and time. Mr. Pushlar asked if Ms. Black had seen the staked area. Ms. Black said yes. Mr. Giordano asked if it would be beneficial to stake the retaining wall area. The Board agreed with the suggestion made by Mr. Giordano.

II. LAND USE: ACTIVE – CONTINUED 2. 47 Windmill Road - Alan Pilch represented this application, which is located at 47 Windmill Road.

Paul Eisenberg, homeowner, provided a brief overview of his property that he has owned for 10 years. He said that he would like to keep the beauty of the property, but improve the functionality of the site.

Alan Pilch said the property is 1.68 acres in size and the property is gently sloping in the central portion and is quite steep towards Long Pond Road which runs down to the pond. Mr. Pilch showed the Board the wetland buffer line. Mr. Pilch said the proposal includes a small addition to the existing house and a new garage. The only disturbance to the buffer would be the proposed new driveway access location that would enter the proposed garage. Mr. Pilch said the rear of the property is small and the yard slopes down and is very wooded. Mr. Pilch said the proposal includes placing fill behind the septic system location to construct retaining walls. Ms. Black said that any engineered walls need to be constructed by town code requirements. Mr. Eisenberg said yes, rest assured, this project will meet all of the town code requirements. Mr. Pilch said that there is a total of 1,969 sq. feet of mitigation and a second area of over 3,000 sq. feet. He said he walked the site with David Sessions, Kellard Sessions Consulting, and they agreed that an area of about 400 sq. ft. beside the tree house will be planted with ferns.

Mr. Pilch said the proposed plan includes sub chambers that will capture runoff that will exit to the water course. He said they will plant a lot of plants and native species along with removing a portion of the lawn. Ms. Black referred to the memo submitted by Ms. Roth that said the planting area should be increased by the pond and removed from the proposed location in front of the house. Ms. Black suggested planting mountain laurel. Mr. Eisenberg said yes, he liked this species of plants. Ms. Black said that she didn't realize that most of the addition is located outside of the buffer. Ms. Black asked about the proposed removal of 21 trees. Ms. Roth said she recommended planting more trees to replace those lost and to naturalize the site. Mr. Pilch showed the possible locations where some trees could be planted. Mr. Eisenberg said that some trees could be planted in the "old" driveway location. Ms. Roth said planting could be done near the retaining walls. Mr. Pilch said he wasn't favorable to that suggestion as it could uproot the wall. Mr. Giordano asked what the differential is between the two retaining walls. Mr. Pilch said he would probably use mulch. Mr. Giordano said that groundcover would be favorable. Mr. Eisenberg said yes, if we get approval to remove the existing driveway, some trees could be planted in that area.

II. LAND USE: ACTIVE – CONTINUED – 2. 47 Windmill Road

Ms. Black asked if the new driveway could be taken out of the buffer. Mr. Eisenberg said that they had tried several reiterations in the design process and none of the designs brought the driveway to the front of the house. Mr. Barnett asked if the Building Department had looked at this plan. Mr. Barnett said he didn't think that a 6-foot retaining wall would be allowed without engineering. Mr. Barnett said he thought the wall proposal is implausible.

Ms. Black said there are three tree plantings proposed and the Board would like to see more trees planted. Mr. Pilch said yes, we can add more trees to other areas on the site. Mr. Pilch asked what number of tree plantings would be acceptable to the Board. Ms. Black said the Board generally asks for a 1 to 1 tree ratio for removals and planting. Mr. Benedict asked if there were calculations for impervious surfaces. Mr. Pilch said the impervious surfaces increase by 1,205 sq. feet. He said it was listed on the first sheet of the plans. Ms. Black said she assumes that this project is under the maximum for gross land coverage. Ms. Roth said yes. Mr. Giordano asked about the driveway location and the walkway. Ms. Black said she appreciated the need for a back yard. Ms. Black said a site will be scheduled and the representative will be contacted.

II. LAND USE: ACTIVE- CONTINUED 3. 84 Round Hill Road – Stephen Lopez represented this application, which is located at 84 Round Hill Road. Ms. Black informed the new Board members about this application, which was originally approved in 2019. She said the application is before the Board due to violations that were issued by the Building Department.

Mr. Lopez said that the New York State Department of Environmental Conservation (NYSDEC) violations were taken off the plans for the Town of North Castle. Mr. Lopez said that the owners' children are old enough and felt that the use of winterberry would be the best choice for planting. Ms. Roth said her comment referred to the existing town codes and said the Planning Board can choose to make conditions on the proposal. She said the provisions closely mirror the agreements by the NYSDEC and these may not be the same as the Town of North Castle codes requirements.

Mr. Lopez said the long-term maintenance plan will be placed on the plan. Ms. Roth said that there are two bonds required, the first to cover the planting and the second bond to make sure the plants survive. Mr. Barnett said the Board spent a lot of time on this application. Ms. Black said that we had spent a lot of time on 82 Round Hill Road. Ms. Black asked if that house has been built. Mr. Fidziukiewicz replied no, it is in the site design stage. Ms. Roth explained the bond process to the Board. Ms. Black asked Ms. Roth if she was in favor of this plan. Ms. Roth replied yes.

A motion for recommendation was made by Craig Benedict and was seconded by Adam Barnett. The motion was unanimous.

II. LAND USE: ACTIVE- CONTINUED- 4. 10 Henkers Farm Road – Robert Schweitzer represented this application, which is located at 10 Henkers Farm Road. Mr. Schweitzer showed some photographs of the site to the Board. Mr. Schweitzer showed the Board the property on an aerial photograph.

Mr. Schweitzer showed the Board the house, septic system and driveway locations on the plan. He said the construction access would be through the existing driveway where steel plates will be placed. He showed the Board the proposed pool location. Mr. Schweitzer said the Mianus River is in the rear of the property. He said Frank Guiliano started this application many years ago and he has inherited this. Mr. Schweitzer said there is a conservation easement on the site and this easement has been disturbed. Mr. Schweitzer showed the wetland and wetland buffer area to the Board. Ms. Black asked if the area between the wetland and wetland buffer has been mowed. Mr. Schweitzer said yes, and they are proposing to “give it back” Mr. Barnett asked if most of the disturbance is within the buffer. Mr. Schweitzer replied yes. Mr. Schweitzer described the grading and fill areas for the pool to the Board in detail. Mr. Schweitzer said the proposal includes 18,000 sq. ft. of mitigation. Ms. Roth said mowing and any disturbance in the conservation easement is considered restoration and is not part of the mitigation requirements. She said she appreciated the applicants restoring the area but red fescue is not favorable and suggested an Ernst seed mix. Mr. Schweitzer said he wanted to let the area naturalize. Ms. Roth said no, the lawn has been treated and needs to be restored. Ms. Roth said native species plants should be introduced. Ms. Roth said the yard is currently filled with vines and invasive species, so this would benefit the wetland. Mr. Giordano asked if mitigation such as shrubs could be planted in the buffer area. Ms. Roth said yes, purposeful planting could be allowed, but is up to the Board. Ms. Black said the applicant has offered to stop mowing the area this doesn’t count as mitigation. Mr. Barnett said he questions this discussion because the owner is improving the site and our goal is to improve this site by endorsing this plan. Mr. Barnett said he is not stuck on the fact that they shouldn’t have done something as it’s our job to improve the wetlands. Ms. Roth said she is making these suggestions as per Town code. She said the disturbances on the site for the proposed pool are fairly small. Ms. Roth said there is plenty of space on the site for planting. Ms. Black agreed. Ms. Roth said the Board needs to see the site as there is dumping on the site. Mr. Barnett said in comparison with other projects presented, this is such an obvious one. Ms. Black said she would like to see demarcation of the wetland buffer line. Mr. Schweitzer apologized and said the application includes the placement of boulders on the buffer line. He said they would be placed between 25 to 50 feet apart. Ms. Roth said yes, this seems appropriate. She said an Ernst seed mix should be planted in this area. Mr. Benedict said yes, some pollinator species could be planted in this area. Ms. Black asked if any trees are being planted. Ms. Roth said all of the trees are shown on the plan. Mr. Giordano suggested planting some deciduous trees where the boulders are to be placed. Ms. Black said yes, use something to demarcate this area. Ms. Black said that a site walk is needed. Ms. Black asked Mr. Schweitzer to make sure the pool location is staked out before the site walk. Ms. Nenadich asked how many trees are proposed to be removed. Mr. Schweitzer replied that there are a total of three tree removals.

II. LAND USE: ACTIVE- CONTINUED 4. 10 Henkers Farm Road

Mr. Schweitzer said this area was originally farm area and this site has great soils. Mr. Giordano explained there is a company that will provide grass seed that can attract a certain type of wildlife. He added this will and could become a statement in itself. Ms. Roth said yes, she recommends an Ernst seed mix and they have many types of seed mixes.

III. LAND USE- PENDING

1. 25 Edgar Road - No discussion.

IV. WORK PROGRAM

1. Website Improvements – No discussion.

2. Planning Board Report – September 29th- Craig Benedict attended the September 29, 2022, Planning Board meeting. Mr. Benedict said an application located at 4 Ledgewood Road will be presented to the Board. He said a pool was part of the application. Ms. Black said the whole property is in the buffer. Mr. Benedict said all of the trees were cut down on the property. Ms. Nenadich asked what the difference is between this application and the former pool application presented earlier in the evening. A brief discussion ensued.

3. Planning Board Report – October 13th – Mr. Krupa attended the October 13, 2022, Planning Board meeting. A synopsis of the meeting was sent to the Board via e-mail.

4. RPRC Report - John Krupa attended the October 4, 2022, RPRC report. A brief synopsis of the meeting was sent to the Board via e-mail.

4. RPRC Report – John Krupa attended the October 13, 2022, RPRC report. A brief synopsis of the meeting was sent to the Board via e-mail. Ms. Black said there is an upcoming application that will become before the Board that has proposed 19 tree removals.

V. NEW BUSINESS

1. "See Something-Say Something" – Ms. Black said there has been a stop work order on her street. Ms. Manuele said there has been many tree removals on the weekends in her neighborhood and asked what she could do about this. Ms. Black referred to a past tree removal violation above Wampus Pond.

2. Tree Discussion – Memo to the PB/TB – George Drapeau, Craig Benedict and Jane Black met with Susan Roth to discuss tree code changes.

V. NEW BUSINESS- CONTINUED – 2. Tree Discussion –

Ms. Roth asked what the current tree code is for an individual tree. Ms. Black explained this, but the tree code is ambiguous. A tree code discussion will take place at the November 15, 2022, meeting with Christopher Carthy, Planning Board Chairman.

3. Submission Checklist -Homeowners Requirements – No discussion.

4. Plants – Discussion – No discussion.

5. New York State Department of Environmental Protection (NYSDEP) – Ms. Black informed the Board that she and John Krupa attended a meeting with the NYSDEP, Adam Kaufman, Town Planner and others to discuss connecting Rye Lake and Eastview. This will include buffer intrusion. She said it will be a while before this project is presented to the Board, but she wanted to inform everyone about this.

VI. CORRESPONDENCE & ANNOUNCEMENTS

1. Site Walks – Friday, October 28th
10:00 – 33 Woodland Road
10:30- 10 Henkers Farm Road
11:15- 47 Windmill Road

VII. OLD BUSINESS – No discussion.

VIII. ADJOURNEMENT – A motion was made by Adam Barnett and was seconded by Nora Manuele. The meeting was adjourned at 9:30 P.M.

IX. DATE OF NEXT MEETING: November 15, 2022.

Julie Mucker, Secretary
Conservation Board

File Name: Minutes101822