



**TOWN OF
NORTH CASTLE
CONSERVATION
BOARD**

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**THE 465TH REGULAR MEETING OF THE NORTH CASTLE
CONSERVATION BOARD
ZOOM MEETING
MAY 18, 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: Jack Karell, Paul Jaenig and Ross Rosen, owner, represented – 2 Stillwater Place. Peter Gregory and Kory Salomone, Esq. represented- 8 Cole Drive and 24 Davis Drive. Nathaniel Holt and Blythe Yost represented- 9 Sterling Road N.

I. MINUTES: Minutes of the regular meeting, which was held on April 20, 2021, were approved as corrected. The motion was made by Jane Black and was seconded by Craig Benedict.

II. LAND USE: ACTIVE – 1. 2 Stillwater Place – Jack Karell and Ross Rosen, owner, represented this application, which is located at 2 Stillwater Place. Mr. Karell shared the plan for the Board via Zoom. Ms. Black asked Mr. Karell to enlarge the plan. Mr. Karell showed the Board the pool area and spa area on the plan. He said that they met with Kellard Sessions Consulting and they had suggested moving the pool to the left side to move the proposed pool out of the buffer area as much as possible. He added that they are reducing the size of the deck which will now be out of the buffer area. Mr. Karell said that Kellard Sessions approved the proposed infiltration system and grading. He said that the original plan entered the buffer by 865 sq. feet which now has been reduced to 665 square feet with the suggestion made at the site walk by the Board on May 10, 2021, preceding this presentation. He said that this is the best they could do with the 35 foot setbacks.

Mr. Karell said that a New York State Department of Environmental Conservation (NYSDEC) permit has been obtained for the deck and the original location for the pool. He said that the permit has been provided to the town. Mr. Drapeau stated that the permit says it is not a permit at the bottom of the document and he wanted clarification. Mr. Karell said they have a NYSDEC wetlands permit. Mr. Krupa said he appreciated that the homeowner listened and acted on the suggestions made by the Board at the site walk. Mr. Rosen, homeowner, said yes,

II. LAND USE: ACTIVE- CONTINUED – 1.2 Stillwater Place

Mr. Rosen, homeowner, said yes, the pool has been moved 200 feet out of the buffer. Mr. Krupa said yes, the patio has been completely moved out of the buffer. Mr. Rosen said that the patio would be constructed using bluestone. Mr. Karell added that it will be a lawn area except where the pool will be located. Mr. Krupa apologized that he was unable to attend the site walk and asked Mr. Rosen or Mr. Karell to explain the existing conditions on the site. Mr. Karell showed the Board the existing patio, hot tub and fire pit. Mr. Rosen said the existing hot tub will be removed. Mr. Krupa said he was actually referring to any existing structures intruding into the buffer. Mr. Karell said that between the pool and the deck area the buffer disturbance is about ¼ acre and the current conditions are the same amount of disturbance. Ms. Black said she was at the site walk and from her perspective; it seems that the pool location has been moved out of the wetland buffer as much as possible. Mr. Krupa reiterated that all of the comments made at the site were taken to heart. Mr. Rosen said that the entire existing patio and concrete steps will be removed as part of the mitigation plan. Mr. Krupa asked Mr. Karell to point out the areas on the plan that Mr. Rosen was referring to. Mr. Karell complied. Mr. Krupa referred to the comment made by Ms. Black regarding the new pool location and asked the Board to chime in if they agree that this is the best location for the proposed pool. He apologized again for not being able to attend the site walk. Mr. Karell said the setback for the pool is located farther to the right. Mr. Krupa said yes, the pool is hugging the setback line. Mr. Barnett asked Mr. Karell to show the Board the buffer line. Mr. Barnett asked if the buffer line is jagged line on the plan. Mr. Karell replied yes. Mr. Barnett asked how much footage disturbs the buffer.

Mr. Drapeau said that disturbance has already occurred in the proposed area in question. He added that if the mitigation plan can meet or exceed the amount of disturbance then he would support the proposal. Mr. Krupa asked for the amount of existing disturbance that will be removed. He added that Mr. Drapeau made a good point that if we are “trading for a one to one” that would be pretty impactful on the recommendation. Mr. Karell said that Paul Jaenig would discuss the mitigation plan.

Mr. Jaenig referred to the current plan that was shown to the Board. He referred to the soils on the property and said that the area is flat and would require a minimal amount of grading. He added that the soils on site have already been disturbed at some point probably by an excavator. Mr. Jaenig referred to a line on the plan which shows the tree canopy. Mr. Jaenig said that there would be two small trees removed as part of the proposal. He said that the tree removals have been placed on the plan. Mr. Jaenig said he felt that this is a pretty simple siting for a pool location. Mr. Jaenig said he was at the site with the NYSDEC agent when he delineated the wetlands and he informed the agent about the project proposal. Mr. Jaenig said that the agent said that the project shouldn't have any issues for a permit from his point of view and he expects to get a permit from them. Mr. Barnett asked if he could expand on the topic of the soil disturbance. Mr. Jaenig said that generally speaking; when you go to a site you take soil moorings to characterize the soil and they fall into two classes which are non-wetlands soil and wetlands soil.

LLAND USE: ACTIVE – CONTINUED 1. 2 Stillwater Place

He said that the soils around the house and septic system area are disturbed soils because there has been re-grading. He said the other type of soil found out in the woods has and a natural profile that differs from that of wetland soils. He reiterated that the disturbed soils were found in the lawn area, the house and driveway. Mr. Jaenig added that the surface layer of the soils have been “kicked around a bit” due to grading. Mr. Krupa thanked Mr. Jaenig for the explanation. He asked if a quantification of the existing wetlands buffer disturbance will be removed. He said it seemed as if it is the same for the existing disturbance and the proposed disturbance figures. Mr. Jaenig said that it comes under “what is disturbance” category. He added that the mitigation proposed has been based on what will be disturbed, which is the hardscape that will be removed. Mr. Jaenig said he would have to figure that out for what is being removed. Mr. Jaenig said that the hardscape that will be removed and what is being mitigated would probably be a little less from what he could tell visually.

Ms. Black apologized as her internet was not working correctly and she missed a portion of the presentation. She commended the applicant on the revised plan submitted and added that the pool location was moved as far as it could be from the original location inside the buffer. Ms. Black said that the mitigation plan includes removing a portion of an existing lawn and replacing it with native planting. She asked about the proposed 20 x 45 sq. ft. size pool as most standard pools are 20 x 40 sq. feet. Ms. Black asked if there was a reason for this and if not, can they take 5 feet off of the proposed pool. Mr. Rosen said the rational of the 20 x 45 sq. ft. pool is because they are building a spa on the inside of the pool and they have children. He added that they felt that the spa inside the pool would conserve more area. Mr. Drapeau said they are adding a 100 sq. feet of pool.

Mr. Berra asked about the concrete steps on the plan. Mr. Rosen replied that they are the old pad for the in ground spa. He added that the steps will be removed. Mr. Berra asked what is on the right side of the adjoining property. Mr. Rosen said that there is a house on the right side on the neighboring property. Mr. Berra asked how much property the adjoining neighbor owns. Mr. Rosen said that they have a similar size lot, so about 2 acres. Ms. Black said that the adjoining neighbor’s house cannot be seen from this property. Mr. Rosen said that the house is about 30 to 40 feet airway due to the driveways. Mr. Drapeau asked where the pool equipment will be located. The location was shown to the Board by Mr. Karell. Mr. Berra asked if the pool could be rotated perpendicularly in order to get the pool entirely out of the buffer. Mr. Krupa showed Mr. Berra the setback lines. Mr. Jaehnig said if the pool were to be rotated by 90 degrees, the pool would be entirely in the buffer. Mr. Krupa said that he agreed with Ms. Black that this proposed location seems to be the best location. Mr. Drapeau stated that from a practical standpoint, the deep end of the pool should be closest to the house so that the children can be supervised more easily. Mr. Norden said that a local NYSDEC permit has not been issued yet. He added that it would be issued once a recommendation was made by our Board. Mr. Krupa asked for the mitigation plan to be shared for the Board. Mr. Rosen shared the plan via Zoom. Mr. Jaehnig said the plan consists of shrubs, trees, seed mix and herbaceous plants.

II. LAND USE: ACTIVE- CONTINUED – 1. 2 Stillwater Place

He directed the Board to the plant inventory on the plan. He added that the lists have been separated into categories which are trees, shrubs, herbaceous plantings and a seed mix. Mr. Jaehnig said that the seed mix will be heavily planted where the lawn will be replaced. He showed the Board the existing trees and conditions. Mr. Jaehnig said that the edge of the wooded area would be planted to “beef up” the understory. He added that the proposed mitigation meets the 2 to 1 requirements of the town code. He referred to the details and general planting notes. Mr. Jaehnig said that a five year maintenance plan has been placed on the plan. He stated that no excavators will be brought on site and no grading will need to be done. He added that everything can be done with hand held tools. Mr. Krupa said he noticed that all of the mitigation planting is in the buffer and asked if this was intentional. Mr. Jaehnig replied yes, the wetlands themselves are pretty lush and said that you can’t place a tree in standing water and expect it to grow without “beefing” up the wetland. He added that the wetland is very healthy. Mr. Krupa said that he appreciated this because the role of the Board is to protect the wetlands. He said that the pool is shown at an angle and wondered if this was because the neighbor’s house is closer to the front. Ms. Black said she recollected that there was no visibility to the adjacent property and screening wasn’t needed.

A motion for recommendation was made by Adam Barnett and was seconded by Jane Black. The motion was unanimous.

II. LAND USE- ACTIVE- 2. 8 Cole Drive and 24 Davis Drive – Mr. Krupa asked Mr. Benedict if he would be recusing himself from this proposal. Mr. Benedict replied yes. Kory Salomone said that they last appeared in front of this Board on April 20, 2021, and at that time several requests were made, including species of the trees, areas of impact, amount of impervious surfaces before and after the project, and placing a five year maintenance plan on the mitigation plan.

Peter Gregory said he worked with Richard Quigley, Landscape Architect, to reference the trees on the site. Mr. Quigley walked the site with an Arborist and they compiled a list of the species of trees to be removed and would include the sizes of the trees. He referred to the analysis chart which shows the impervious surfaces which result from the driveway disturbance. The total reduction in disturbance is 6,000 square feet. The total amount of buffer disturbance is 24,000 square feet. The total amount of earthwork would amount to about 60 truck trips after the use of materials from the addition proposal from the other property. He added that they are looking to install a row of boulders to reduce the amount of grading. Mr. Gregory said that they have worked to reduce disturbance as much as possible. Mr. Krupa asked Mr. Gregory to inform the Board about the number of trees to be removed. Mr. Gregory said that the total number of trees to be removed is 67. He stated that he noticed that the chart doesn’t show which tree is which and has been done numerically to quantify the removal of trees by starting at the bottom of the driveway and moving up from there. He said that a total of 97 trees will be planted on the site. Mr. Barnett asked if the plan has been supported by an arborist. Mr. Gregory said no, but he can get that done.

II. LAND USE: ACTIVE- CONTINUED 2. 8 Cole Drive & 24 Davis Drive

Mr. Barnett said he has been to the site and the chart says poor and/or fair for all of the proposed tree removals. Mr. Drapeau asked if there has been any recall on the number of trees that have been removed from this site in the last ten years. He referred the Board to look at Google Maps of this site. Mr. Gregory said he could try to look into the request. He said he would try to determine this for the Board. Ms. Black said the applicant has given the Board the information requested at the last meeting. Mr. Krupa agreed. He added that he agreed with Mr. Barnett's request to have an arborist on site. Ms. Black said she is comfortable with the current mitigation plan. Mr. Norden said that he spoke with Mr. Drapeau today about the sizing of the rain gardens. Mr. Norden asked Mr. Gregory if these rain gardens were on a previous plan. Mr. Gregory replied yes. He added that there needs to be more work on the stormwater collection systems and a full SWPP (stormwater pollution plan) would need to be submitted. The SWPP would include construction details and erosion control measures. Mr. Gregory said that the final step will be presenting the SWPP for review. He added that they wanted to focus on the wetland mitigation and the next step will be the stormwater pollution plan. Mr. Krupa asked about the boulders and the efforts to reduce wetland intrusions. Mr. Drapeau asked for quantification for the amount of boulders. Mr. Gregory said that the intention of the slope stabilization is to intersperse boulders by mixing it with landscaping and vegetation. He added that the boulders alleviate the slope stabilization and the boulders would blend into the existing site. He said that the boulders will be placed and the vegetation will be built up around them. Mr. Gregory said the right side of the driveway will have many boulders installed at this location. He said that he hasn't quantified the amount of boulders. Ms. Black said that John Fava, former Conservation Board Chairman, always suggested the use of boulders as a demarcation and protection of the wetlands. Mr. Krupa asked the Board if the applicant needs to re-submit the information that has been requested. Ms. Black said that the Board can include them as conditions in the recommendation. Mr. Barnett said he was fine with this and asked if the applicant needs to go back to the Planning Board. Mr. Krupa said yes, the applicant needs to go back to the Planning Board. Mr. Barnett asked how much mitigation has been proposed. Mr. Gregory replied that the mitigation proposed meets the 2 to 1 town code requirements. Mr. Barnett said that in short, the Board is tasked to make sure that the wetlands are protected and not comment on any aesthetics of the site. He added that he would support the proposal but wished that the proposal didn't proceed. Mr. Barnett said that he felt that the site is majestic and will be forever harmed. Mr. Krupa said yes, our purview is about mitigation. Mr. Barnett asked Mr. Norden to forward the upcoming letter from the arborist. Mr. Norden replied yes. Mr. Drapeau commended the applicants on their work on this plan. He added that he thought that they are creating problems that don't exist. Mr. Drapeau thought that any future problems are unknown and he is not going to support the application. He said that the applicant deserves to move on to get direction from people who are more scholarly than himself. Mr. Krupa stated that his concerns have been heard but the issues in question are under the purview of the Planning Board.

II. LAND USE- ACTIVE: 2. 8 Cole Drive & 24 Davis Drive

A motion for recommendation was made by Jane Black subject to the conditions that Adam Barnett mentioned. Mr. Krupa said the memo should be worded that this Board's purview is to oversee the mitigation plans and this plan meets the town code. Adam Barnett seconded the motion. Mr. Drapeau was opposed to the application. All other Board members were in favor of the motion.

II. LAND USE- ACTIVE: 3. 9 Sterling Road N. – Dan Holt and Blythe Yost represented this application, which is located at 9 Sterling Road N. Mr. Holt shared the plan with the Board via Zoom. Mr. Holt said that this plan was discussed last month. The plan has reduced the decking and the pool has been moved closer to the house. Mr. Holt showed the existing patio to the Board. Mr. Holt said that the Board had suggested an elevated pool. He said that he didn't fully understand the request, but raised the pool up with walls. He showed the walls, which are about 6 ½ feet in height. He added that the pool dewatering system will be pumped to the hillside, which was shown to the Board. Mr. Holt said that this practice is only for winterization purposes. He said that this is an encumbered site with setbacks and wetland buffers. He added that over time more disturbances have entered the buffer than when the lot was created. Ms. Black asked if the permit issued by the Westchester County Department of Health (WCDOH) is still current. Mr. Holt said that the permit needs to be re-issued for the failing septic system, but he has no doubt that it would be renewed. Ms. Black said she appreciated the addition of the walls on the plan. Mr. Krupa said he agreed and commended the team and their efforts. Mr. Krupa asked Mr. Barnett if Mr. Holt has addressed his concerns from the April 20, 2021, Conservation Board meeting. Mr. Barnett thanked Mr. Holt for his time and said how much he respects Mr. Holt and all of his efforts. Mr. Holt replied that "it is mutual". Mr. Barnett said yes, his question was to Ms. Yost and the plan that she showed the Board last month was not the actual plan that was being discussed. He said that this was his main concern and wanted to make sure that there is consistency.

Blythe Yost shared the mitigation plan and apologized for the slight shift in the plan orientation. Ms. Yost apologized for last month's discrepancy. She said that the only change is the significant planting near the pool. She said that the Board had requested that the area be planted and not lawn. She said the new plan reflects this suggestion by planting native plants all the way to the edge of the pool. Mr. Barnett asked what the specifications of the plants are. Ms. Yost said there is a mix of plants which include plethora, aronia, and inkberry. She said that the plant materials are a combination that would create a vegetated buffer which should begin to emulate a better version of what exists. Mr. Barnett asked if the "swooping" line on the plan is going to be lawn. Ms. Yost said yes, this area needs to be lawn as it is on top of the septic field. The current conditions include phragmites and a large pine tree. She said the proposal includes eliminating this area and planting native materials. Mr. Barnett asked about the trees at the bottom of the wall. Ms. Yost said that there will be an evergreen "line" along that wall.

II. LAND USE-ACTIVE- CONTINUED – 3. 9 Sterling Road N.

He asked about the deck and the stairs that are significantly lower than the patio. Mr. Holt replied yes, this was correct. Mr. Benedict asked about the plantings along the wall. Ms. Yost said that *ilex glabra* will be planted along the wall. She said that this is an inkberry holly. Mr. Benedict asked if the wall was at ground level. Mr. Holt said they need to establish a 640 ft. high wall so that the wall is under ground by 3 feet. Mr. Benedict said he was concerned about the root growth with the *ilex glabra*. Ms. Yost said the details need to be worked out with the pool company. She added that there has been a conversation about pre-cast walls that don't have a spreading footing. Ms. Yost said that the plants are shown near the wall, but can be pushed out a foot further. She said that there is "plenty of play" in this area. Mr. Benedict said yes, he recommends that this should be done. Mr. Drapeau asked where the fence would be installed. Ms. Yost said the pool fence encloses the entire property. Mr. Drapeau asked if the fence would be in front of the stone wall. Mr. Krupa asked if there is concern about the root balls growing into the concrete. Mr. Benedict said no, it is the other way around as the *ilex glabra* does not have large root balls. He was concerned that the wall would inhibit there growth. Mr. Barnett said the Board is reticent in constructing a pool entirely in a buffer. He said that there is significant mitigation that has been proposed for this application. He added that the current owner has the unfortunate condition of runoff from other properties emptying onto this property. He referred to the proposed swale and rain gardens which would improve the current buffer conditions. Mr. Barnett added that the Board would normally not recommend a project with these conditions. He said the distinguishing features merit an approval. He asked Mr. Holt to clarify what he said.

Mr. Holt said yes, and he would add some things to what Mr. Barnett said. He said that the current septic system is failing and this would not have been discovered if they were not looking for a pool location. He added that a pipe flows from the septic system to the wetlands and his client is now aware of this and is going to rectify the situation. He added that yes, rain gardens have been proposed to alleviate runoff from the site. Mr. Holt said the rain gardens also help with nutrient uptake. He referred to a suggestion made by John Fava, former Chairman of the Board, to do all planting by hand to reduce further impacts. Mr. Barnett said the area is already disturbed with the septic system and we would not be impinging on a new territory. Mr. Holt replied yes. Mr. Holt said they did look into using the old fields for the new system but the soils were deemed unsatisfactory. He said in general, the soils are not in good condition in this area. Mr. Barnett thanked Mr. Holt and Ms. Yost for all the responsiveness on the suggestions made by the Board. Mr. Krupa asked Mr. Norden if he had any comments. Mr. Norden said he spoke to Joseph Cermele, Town Engineer, about the stormwater system. He informed the Board that the Town Engineer was against using a pump system for the stormwater runoff. He added that the WCDOH recently made their office aware that they would not approve septic systems in a buffer going forward. He read aloud a portion of the policy to the Board. He recommended that Mr. Holt get a determination from the WCDOH before proceeding. He said that even if this Board approves this application the WCDOH can prevent the approval from going forward.

II. LAND USE- ACTIVE: CONTINUED – 3. 9 Sterling Road N.

Mr. Holt said he appreciates the suggestion and he thought this new policy may be for new lots or subdivisions. Mr. Norden said yes, it may be as simple as a phone call. Ms. Black said we should weigh in on what was presented to us and be aware that this application had received a prior approval from the WCDOH. Mr. Holt said the WCDOH approved a permit and was sure a new one would be issued. Ms. Black said she wanted to reiterate what Mr. Barnett said that this is an already disturbed area with a failing septic system. She added that much of the lot has been disturbed and there would be many improvements to the buffer with the plan that has been proposed. She said she appreciated that the applicant has made the many changes that the Board has suggested. Ms. Black said she is generally not in favor of a pool entirely constructed in a buffer, but this should be an exception. Mr. Krupa said he respected Mr. Barnett and Ms. Black's opinion but he didn't think that this application should move forward. He added that the construction of an amenity is being passed on as a septic system improvement and is not telling the whole story. He added that the septic system can be repaired without constructing a pool in the buffer. He asked for input from all of the Board members. Mr. Holt said this was not the intention as they were looking for a pool location and then found that the septic system was failing. Mr. Krupa said yes, he was not referring to anything that Mr. Holt said. Mr. Drapeau asked Mr. Norden if he knew about the time frame for the response from the WCDOH. Mr. Norden replied that he was unsure. He said that there are several divisions there, but as Mr. Holt stated; the policy may refer to new construction only. Mr. Norden said it may be as simple as calling and asking them to explain the new code. Mr. Holt said that he may be in a better position to do that as he needs to renew this permit. He added any information he receives would be shared with the Board. Mr. Norden said yes, it may be easier as you are asking about a specific application and not an explanation of the new code. Mr. Holt said he would make that phone call.

Andy Block joined the meeting. Mr. Krupa recapped the Board members' votes for this project to Mr. Block. He commended Mr. Holt and Ms. Yost's work on this project. Craig Benedict said that he was not in favor of this project from the very beginning. He had sent an e-mail to the Board stating why he felt this way and asked for the e-mail to be read aloud for the Board. The Secretary said she did not have that e-mail on hand to read aloud for the Board. Mr. Benedict said he agreed with Mr. Krupa that this is not essential and is an amenity. He said the pool is completely in the wetland buffer and appreciated all of the plants that were proposed, but thought there were too many issues pertaining to this project. He said he cannot vote positively on this project. Mr. Drapeau said he was "on the fence" as the pool was pulled closer to the house and a lot of improvements were made. He was concerned that the issues may not be addressed if the pool is not permitted. He added that the position of a pool is not a problem if you were to look at say Tripp Lane; and if you were to look at the topography you can see where the runoff would flow to. Mr. Drapeau added that he has a problem with a pool constructed entirely in a buffer and referred to a project on Round Hill Road and said that the Board should be sensitive to the environment around us.

II. LAND USE- ACTIVE: CONTINUED – 3. 9 Sterling Road N.

Mr. Block said he will be voting no on the project and the vote is being made because we are supposed to protect the wetlands and agreed with Mr. Drapeau's articulation. He commended Mr. Holt and Ms. Yost on their work and working with what they could. Mr. Block said all of the improvements on the property can be done beautifully without the pool in a respectful way to the wetland buffer. He added that there should have not been any expectation that a pool could be allowed to be built in this area. Mr. Krupa thanked the Board and Mr. Holt and Ms. Yost for all of the efforts with this application. He said every member did their homework and soul searching and commended the representatives on the suggestions made by the Board. Mr. Berra asked if all of the discussion have been conveyed to Mr. Block. Mr. Krupa said the Mr. Block was at the last meeting where Mr. Barnett asked the representatives to submit revisions for the plan. Mr. Block said yes, he is aware of the requests that were made. Mr. Berra said he wanted to make sure that Mr. Block was aware of any changes. Mr. Block said yes, he has seen all of the submissions. Mr. Krupa asked Mr. Barnett if his comments last month were addressed. Mr. Barnett said yes, the comments were fully addressed. Mr. Krupa asked the Board to make a motion. Mr. Drapeau said that all wetlands are not equal and Sterling Road North is a very critical area. He referred to 2 Stillwater Place and if this project was on this site, it would be different as that wetland is not as critical. He stated that the disturbance is entirely in a buffer, but this wetland is important. Mr. Drapeau said he wanted to support the project, but he cannot get past the critical environmental value and repercussions. Mr. Drapeau said he will be voting no on the project. Mr. Block made a motion to not recommend this project, and the motion was seconded by Mr. Benedict. Mr. Krupa said that there are four Board members in favor of this motion and two Board members are not in favor of the motion. Ms. Black said that the memo should note that not all of the members agreed with the motion. She said that the pool is in a disturbed area with a failing septic system on an already disturbed site. Mr. Krupa said that all memos should state if any Board member does agree or not agree. The Secretary said yes, and said that Matt Norden is now aware of this too. Mr. Block said that there should be bullet points on this memo stating the reasons why the Board did not all agree on the motion. Mr. Krupa asked the Board if we should go over those points. They agreed that the points have been discussed many times. Mr. Norden said he has taken notes, but it is up to the Board. Mr. Holt said he appreciates all of the efforts made by the Board.

II. LAND USE- PENDING

1. 360 Main Street – No discussion.

2. 1 Kent Place – No discussion.

IV. WORK PROGRAM

1. Website Improvements – Mr. Krupa said that the Town Clerk's office has updated the native plant listing and it was approved by Mr. Benedict. He asked the Board to send any changes on new links to the Secretary.

2. Planning Board Report – Ms. Black attended the April 26th Planning Board meeting. She said that the Eagle Ridge and Armonk Lumber Yard project were discussed. She said that trees were removed in Whippoorwill Hills without a permit by a neighboring property.

2. Planning Board Report – Mr. Barnett attended the May 10th Planning Board meeting. He said that the Old Orchard Street application was approved. He said that the wireless communications law was discussed. He said that there were many legalizations of properties discussed.

3. RPRC Report - Ms. Black attended the May 4th RPRC meeting. She said that an upcoming project on Stony Brook Road will be presenting to the Board at a future meeting. She said that there are many trees to be removed and there didn't seem to be a clear reason why. Mr. Krupa asked how many trees are proposed for removal. Ms. Black said she did not have that information.

3. RPRC Report – Mr. Barnett attended the May 18th RPRC meeting. A synopsis of this meeting was sent to the Board via e-mail.

V. NEW BUSINESS

1. "See Something-Say Something" – Mr. Benedict asked if permits are needed for a work shed pad in a buffer. Ms. Black said that a permit is needed for a shed on all properties Ms. Black referred to a resident who placed wood chips in a buffer. Mr. Krupa said yes, the Building Inspector has been informed. Septic systems were discussed.

Mr. Barnett said that he went on the Town Board website and it says that our Board is supposed to weigh in on any projects over 10 acres in size. He read aloud the section on the site to the Board. Mr. Berra asked Mr. Norden to check with John Kellard if this is accurate. Mr. Krupa said he thought this was under our purview.

2. Generator Pads & Cell Towers – Ms. Black said the new wetlands law still refers any applications for generator pads to the RPRC. It simply means that Kellard Sessions does not have to do a review and will save the homeowner the time and expense. Mr. Krupa said that what was decided on the law was not what was proposed to him. Mr. Berra referred to the 5G law and said that there is a provision that the cell towers have to be 500 feet from the wetland. He wanted to know if there should be mitigation or payment in lieu for the large cell towers.

V. NEW BUSINESS- CONTINUED-2. Generator Pads & Cell Towers

Mr. Berra said that the towers may be more invasive as they are constructed deeper and higher in height. Ms. Black said she was unsure if these would be more invasive. Mr. Berra said he thought it could be. Mr. Berra said he can send a copy of the law to the Board via e-mail if they would like to read it. Mr. Block said it would be interesting to see why they are proposing a 500 foot buffer. Mr. Berra said he didn't think that there was a very good rationale. He added that a other Town Board members thought that a 100 foot buffer would be sufficient. Mr. Krupa said that it is his understanding that this protects the habitat and not the environment. He said there have been studies that the RF frequency from the towers effect migratory patterns and have made people ill. Mr. Berra said yes, he understands. Mr. Krupa said that there have been misconceptions on this and it is understudied. He said that the 500 feet is probably a safety issue for the habitat. Mr. Block said yes, the 500 feet could be for human health and migratory patterns. Mr. Krupa said many birds of prey nest on cell towers. Mr. Berra said that the Board could weigh in on this as the Town Board may use a 100 foot buffer. He was unsure when the public hearing on this issue is.

3. Submission Checklist- Homeowner Requirements – Adam Barnett said that the e-mail he circulated to the Board was a rough draft and would like for Mr. Block to provide his expertise on this matter. He referred to a recent site walk that was done out of the normal Board required order and said it was a flagrant waste of time. He said the property was not staked out. Ms. Black said that we have a checklist. Mr. Barnett said that the checklist does not help homeowners. He said that he would not go on any site walks without a property being staked out. Discussion about the process took place amongst the Board. Mr. Barnett said he wanted it on record that he will not go on a site walk unless the property is staked and copies of the plan are readily available for all Board members. All Board members agreed with Mr. Barnett's statement that all residents need to follow the process in place. Mr. Block said he wanted to be clear about the staking process. Mr. Block said that if it's a pool, the pool and the wetland buffer need to be staked out. Mr. Barnett asked Mr. Block to look at the current two page checklist and the additional suggestions he provided that could be added to it. Mr. Krupa asked the Board if they are in agreement that the Board could merge the two checklists. The Board agreed.

VI. CORRESPONDENCE & ANNOUNCEMENTS

1. Eagle Ridge Subdivision – Mr. Krupa informed the Board that a joint memo with the Open Space Committee was sent about this project to the Town Board. Mr. Block asked about the presentation of the memo to the Town Board. Mr. Berra said that the letter should be read at the public hearing. Mr. Krupa said this was an official correspondence and felt it should have been read aloud at that particular meeting and not the upcoming public hearing. Mr. Krupa asked if any Board member would like to read a portion of the memo at the public hearing.

VI. CORRESPONDENCE & ANNOUNCEMENTS- CONTINUED- 1. Eagle Ridge Subdivision

Mr. Block said that an explanation of the Board's & Committee roles and why we have come to the opposite conclusion to the Town Board should be added to the memo.

Mr. Krupa agreed with the suggestion by Mr. Block. Ms. Black informed the Board that the Planning Board was fine with the aesthetics of the buildings proposed. Mr. Berra referred the Board to the town website, which has the joint letter from the Board and OSC available for the public to read.

VII. OLD BUSINESS

1. Tree Ordinance – Work Session -Mr. Krupa asked the Secretary if a new meeting would be set up soon. She said that she would contact Valerie DeSimone, Planning Board Secretary. She added that she thought that the work session may not be re-scheduled until the fall.

VIII. ADJOURNMENT: A motion for adjournment was made by Adam Barnett and was seconded by Craig Benedict. The meeting ended at 10:55 p.m.

IX. DATE OF NEXT MEETING: June 15, 2021.

Julie Mucker, Secretary
Conservation Board

File Name: Minutes42121 (error)