



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

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**THE 469<sup>TH</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
TOWN HALL- UPSTAIRS MEETING ROOM  
OCTOBER 19, 2021  
7:30 P.M.**

**Corrected**

**PRESENT:** Craig Benedict; Jane Black, Co-Chair; George Drapeau; John Krupa, Co-Chairman; Jose Berra, Town Board Liaison.

**NOT PRESENT:** Adam Barnett; Andy Block; Julie Mucker, Secretary.

**GUESTS:** Pamela Nivasch, potential Conservation Board member.

**I. MINUTES:** Minutes of the regular meeting, which was held on September 21, 2021, were approved as corrected. The motion was made by John Krupa and was seconded by Craig Benedict. The motion was unanimous.

**II. LAND USE: ACTIVE** – No applications were presented at this meeting.

**III. LAND USE: PENDING**

1. 263 Bedford-Banksville Road – A brief discussion took place regarding neighboring properties' complaints about drainage on this property. John Krupa said that a member of the Conservation Board would need to attend an upcoming meeting for all of the neighboring properties to discuss the complaints. Mr. Berra asked if he could be notified about this meeting as well. Mr. Drapeau said he didn't understand why there was all of this fuss about this project. Ms. Black said that this is a large open space parcel and it could be sold and developed into a subdivision. Further discussion took place regarding this project and the possible outcomes for the project.

2. 360 Main Street – No discussion.

3. 1 Kent Place – No discussion.

**IV. WORK PROGRAM**

1. Website Improvements – No discussion.

#### **IV. WORK PROGRAM**

2. Planning Board Report – Craig Benedict attended the September 27, 2021, meeting. Mr. Benedict said that there were eight applications presented, including 8 Cole Drive, which received a final resolution.

2. Planning Board Report – John Krupa attended the October 14, 2021, meeting. Mr. Krupa mentioned that many residents were complaining about 263 Bedford-Banksville Road. He reiterated that this application could be worse if it was developed in a different way. The complaint that seemed to be the most prevalent was this would be a commercial property that will house 23 horses. Mr. Krupa said the number of 23 horses was not out of the realm for the number one equestrian in the country. The neighboring property owners said that they wanted to see proof of ownership. The neighbors asked about drainage and manure removal. He said that Mr. Fain, representative, said they are scheduling a group meeting, whereby a representative of the Conservation Board will be asked to attend, to address any concerns. A comment made by Mr. Gerry Geist, a neighboring property owner, was discussed.

3. RPRC Reports – Adam Barnett attended the October 5, 2021, meeting. A synopsis of the meeting was sent via e-mail.

3. RPRC Reports – Jane Black attended the October 19, 2021, meeting. Ms. Black said that there were two projects that slightly intruded into wetland buffers but one was extremely minor. Ms. Black explained to Ms. Nivasch that the application was determined to be an administrative permit due to the minor intrusion into the buffer. She then referred to a project presented at 4 Ledgewood Road, which was presented to the Board at a prior meeting many months ago. She explained that the house was in poor condition and the owner had removed many trees without a permit. Ms. Black informed the Board that Mr. Kaufman was under the impression that our Board had approved the mitigation plan. Ms. Black said she informed Mr. Kaufman that the Board had not approved this project because the owner decided to demolish the existing house and the presented mitigation plan would then be altered. She informed the Board that Christopher Carthy, Planning Board Chairman, explained that the Planning Board had “tabled” the application due to the fact that the applicant decided to demolish the house. Ms. Black said that the landscape architect remarked that both Boards were correct in that there were no decisions made for this application. Mr. Benedict said that he saw a for sale sign located at this property. Ms. Nivasch asked if the applicant would be fined for removing trees without a permit. The Board replied yes. Mr. Krupa said that under current town code, that the size of the fines are not a deterrent to illegal tree removal and the Board is in the process of trying to get “more teeth” for the tree ordinance. Ms. Black said that two projects had tree removals and one of the projects was referred to the Planning Board for greater oversight of twelve tree removals and a replacement tree plan.

## **V. NEW BUSINESS**

1. "See Something-Say Something" – Mr. Benedict said that a family member said that there seemed to be an excessive amount of trees being removed at the Summit Club. Mr. Benedict asked where the approved tree removals were to take place. Ms. Black said that the tree removals that were approved were located at the bottom of the site. Mr. Benedict said that the tree removals that were done were on the back nine of the site. Mr. Krupa said that he feels that there are many more tree removals being done than what has been approved. Mr. Drapeau said we should identify the trees. Mr. Berra said that an email can be sent to Robert Melillo, Building Inspector, to inform him of this information. Mr. Berra asked that and he be copied on that email. Mr. Krupa offered to do that. Ms. Black asked Mr. Berra if the Summit Club has a water source plan. Mr. Berra said no, the town has to consult with the residents. He said that there is a concern among the residents of Windmill about the water supply there and at the Coman Hill School.

2. Tree Discussion – Memo to Planning Board – Ms. Black said that we could have the tree code amended to have more "teeth" in it. Mr. Drapeau asked if we could gather in a small group and compile a priority list on what we suggest. Ms. Black said yes, she thinks it would be ideal for three members to draft a memo with proposed language. Mr. Krupa asked if we could create a draft outline for the group to work with. He added that he would like an unofficial list that doesn't involve any changes to the town code and an official list that would involve changes to the existing town code. Ms. Black said that Adam Kaufman, Town Planner, has been consistent in recommending tree replacements to accompany any tree removals that have been proposed. Mr. Krupa agreed and commended Mr. Kaufman. The Board agreed that this was not happening five years ago. The Board reviewed the list distributed by Mr. Drapeau. Number one on the list is deemed on the formal list and the number two item on the list should be on the informal list. Ms. Black said the first item should be to tier the number of trees removed annually according to the lot size. Mr. Krupa said that the total number of tree removals should be capped. He said the third item could be informational on our town website. He added that any tree removals should be at a minimum 1.5 to 1 for tree replacement. Ms. Black said that she spoke with her husband who said that a blanket tree removal replacement plan cannot work if a resident purchases an entirely wooded lot and wants to construct a new house on that lot. Ms. Black said that in these cases an alternative landscape plan could be submitted. Mr. Krupa said that in this case the mitigation can be banked with a nominal fee. Mr. Drapeau said that we are in a different place in North Castle because we have fewer trees than we had ten years ago. He added that if a developer wants to decimate a property then they should purchase a different property. Mr. Drapeau said he wanted to encourage developers to purchase a different property to curtail tree removals. Ms. Black said yes, she liked that idea. She added that if they cannot mitigate on site then we can have the applicant pay in lieu to a banked fund.

**V. NEW BUSINESS – CONTINUED – 2. Tree Discussion- Memo to Planning Board**

Mr. Benedict said that if an applicant purchased a property and was proposing to remove a certain amount of trees, property owners should be encouraged to replace lost trees with planting beds and shrubs in lieu of paying money to the banked fund. Mr. Berra said he'd like to encourage alternate remediation. Mr. Benedict said yes, we need to encourage RPRC, ARB etc. to remediate the trees with landscape plants and not lawn. Mr. Benedict said it depends on the amount of tree removals would take place on each parcel. Ms. Black and Mr. Krupa said this is something that a tree board could decide. Ms. Black said that we could create a list of what to do if there are removals, with options such as landscape plans, replacement trees at a ratio of 1.5 tree replacements to 1 tree removal, or payment into a banked fund. She said that a subdivision plan has a clearing and grading limit line. Ms. Black said we can put in enough regulations to steer residents away from large scale tree removal. Ms. Black said that number two and four on Mr. Drapeau's list involve changes to the town code. She added that there needs to be changes made for a tree board. Discussion ensued on subsidized trees from other towns. Ms. Black said that number 2, 4, 5 and 7 as formal changes to the town code and the last on the list item is informational. Mr. Berra reiterated from the past meeting that a list could be made that shows the most flagrant tree removal violations. Mr. Krupa said that he felt that the Planning Board was amenable to increasing fines for tree removals without a permit. Mr. Krupa referred to tree removals at the Elide Plaza and said that they didn't pay any fines because those trees were not over 8 inches in caliper. He added that this needs to be addressed. Ms. Black asked Mr. Benedict or Mr. Drapeau if they knew what other town codes have listed as their tree caliper conditions. Mr. Drapeau said he will send the information to the Board via e-mail. Ms. Black said that Mr. Benedict and Mr. Drapeau will draft a memo based on the comments and suggestions made. Mr. Krupa asked about the time frame for completion of the memo as he is attending the next Planning Board meeting and he knows that this subject will come up at that meeting. Mr. Drapeau said that he thinks that this will be done within the month as Mr. Benedict has a very busy season at work. Mr. Drapeau said that he will work on it and will send a draft out to all of the Board. Mr. Drapeau said that we can tell the Planning Board that we have a certified arborist on our Board who is going into the busiest part of his season at work and we will get the memo to them as soon as possible. Discussion ensued about house paint color choices and renovations done by residents without a permit.

3. Submission Checklist – Homeowner Requirements – No discussion.

4. Plants –Discussion – Mr. Benedict asked if this discussion could be tabled until the November Conservation Board meeting. Ms. Black agreed.

5. Millings at Middle Patent Road- discussion – Mr. Berra informed the Board to look at the presentation made at the Town Board meeting regarding the millings deposited on Middle Patent Road. He urged the Board to watch this portion of the meeting.

**V. NEW BUSINESS – CONTINUED – 5. Milling's at Middle Patent Road- discussion**

He informed the Board that the findings were that our water sources have been found to be reasonably safe. He added that some residents may not like that the engineering firm was hired by the town and not an agreed upon firm by the town and the residents so that there can be no doubt as the impartiality. Discussion ensued. Ms. Black said yes, this has gotten very controversial. Ms. Black asked if any response has been received from the Windmill Association. Mr. Berra said no, he didn't think so. Ms. Black said it may be a manufactured issue, but it is a great concern. Mr. Berra said that the residents can feel that they have some reasonable comfort in that their drinking water has been deemed safe to drink.

**VI. CORRESPONDENCE & ANNOUNCEMENTS**

**VII. OLD BUSINESS**

1. Airport Campus DEIS memo – Mr. Krupa asked about the memo submitted to the Town Board and where it was located for the public to read on the town website. Mr. Berra recommended for the secretary, Julie Mucker, to contact Alison Simon, Town Clerk, and to follow up with her. Mr. Berra told Ms. Nivasch that the SEQR process is very arcane and a Board member can explain it to her. Ms. Nivasch thanked Mr. Berra.

**VIII. ADJOURNMENT** - The meeting was adjourned at 8:45 P.M. The motion was made by Jane Black, and was seconded by George Drapeau. The motion passed unanimously.

**IX. DATE OF NEXT MEETING: November 16, 2021.**

Julie Mucker, Secretary  
Conservation Board

File Name: Minutes101921