



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

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**THE 471<sup>st</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
TOWN HALL ANNEX-MEETING ROOM  
TUESDAY, MARCH 15, 2022  
7:30 P.M.**

**Corrected**

**PRESENT:** Adam Barnett; Craig Benedict; Jane Black, Co-Chair; George Drapeau III; John Krupa, Co-Chair; José Berra, Town Board Liaison; Susan Roth, Kellard Sessions Consulting.

**NOT PRESENT:** Andy Block.

**GUESTS PRESENT:** No guests were present at the meeting.

**I. MINUTES:** Minutes of the regular meeting, which was held on November 16, 2021, were approved as corrected. The motion was made by Jane Black and was seconded by Adam Barnett. The motion was unanimous. The Minutes from the work session that was held on February 15, 2022, were approved as corrected. The motion was made by Craig Benedict and was seconded by Jane Black. The motion was unanimous.

**II. LAND USE: ACTIVE- 1. 25 Edgar Road** – The representative did not appear. The Board asked Susan Roth, Kellard Engineering Consulting, to weigh in on this project and to explore the memo that she submitted about this project. Mr. Benedict recused himself from this application.

Ms. Roth said that she reviewed this project with Joseph Cermele, Town Engineer, to determine the amount of disturbance. She said that there has been much more disturbance on this site than what has been disclosed. She showed the Board prior years of pictures from Google Earth.

She pointed out the pond on the plan and showed the Board the original size of the pond. She referred to her memo that stated that the entire property site needs to be shown on the plan. She showed a plan of the site that was done in 1991. Mr. Berra asked if the site is a total of 11 acres. Ms. Roth said it is about 12 acres. She showed the edge of the pond and a photo from the year 2000. Ms. Roth then showed the Board a photo from the year 2016. She mentioned that the applicant cleared some of the neighboring property's site. Ms. Roth showed the Board an area that has been filled with fill. Mr. Barnett asked for clarification of the photos by year. Mr. Drapeau asked how much of this is natural progression. Ms. Roth replied none of this shown was natural progression.

Ms. Roth said she walked the site and said that it was like walking on peat moss in certain areas. The pond was dammed to make it a larger pond.

## **II. LAND USE: ACTIVE –CONTINUED – 1. 25 Edgar Road**

She showed the Board where a small gravel walkway is located. She said that the applicant planted ornamental trees, not native trees. She said that the most important thing is that the animal wildlife cannot exit the pond as the access has been changed. Mr. Berra said that the application seems to have disturbance in the wetland itself and not the wetland buffer. Mr. Krupa said yes, it is a New York State Department of Environmental Conservation (NYSDEC) wetland. Ms. Roth showed the Board the wetland. Ms. Black asked how this application came before this Board. Ms. Roth said that she thought that these improvements were made and someone reported him to the building department. Ms. Black asked about the walls on the plan. Ms. Roth said that rubble stone walls were constructed in front of the existing walls that were shown. She said that when the wetland was flooded it did result in gradation change, but the site wasn't as wet near the property. She said sometimes applicants don't know that an area is considered a wetland, but in this case the NYSDEC had mapped this area. Mr. Krupa said that he thought that this application was being presented for terraces that were constructed without a permit. Ms. Roth said that he has no permits for any of the work done. Mr. Krupa reiterated that this is not an incursion into the buffer; this is an incursion into the wetland itself. Ms. Roth thought that a building inspector went to the site and saw improvements made, but didn't look at the wetland itself. Ms. Roth said she didn't want to send the applicant to "DEC jail", she wants to make the final result better.

Ms. Black asked what Ms. Roth would suggest for this site. Ms. Roth said they need to reestablish the area between the pond and the site. She referred to her written memo. She said if the NYSDEC gets involved they would make the applicant remove everything that has been done and impose a fine. Ms. Black asked if the NYSDEC has been involved with this application. Ms. Roth replied no, she didn't think they have been notified. Ms. Roth said that they can produce a permit, and this may be the reason why the representative did not appear tonight. Mr. Krupa asked if this should be deferred to the NYSDEC. Ms. Black said that we should contact Roland Baroni, Esq. for clarification. Mr. Drapeau said that the applicant had planted a lot of trees. Ms. Roth said yes, but there aren't a lot of native trees planted. Ms. Black referred to an article that said that tree plantings should be native as the plantings of non-native trees degrade the biodiversity. Ms. Roth said the applicant should change the pond elevation to a zero grade entry. She recommended planting a meadow mix in this area instead of trees. The Secretary asked Ms. Roth if her memo was submitted to the representative. Ms. Roth said that she was unsure if the memo was sent to the representative. The Board agreed that a short e-mail should be sent to the Town Attorney to clarify matters about the NYSDC involvement in this application. Ms. Roth said that there are solutions to make this better than what exists on the site. Ms. Black asked if the Building Department has fined this applicant. Ms. Roth replied no. Mr. Drapeau asked if there is a pathway to make the project better. Ms. Roth said yes, there should be a change to the pond edge for zero entry and plant a wetland meadow mix at the edge of the pond which can be mowed twice per year. She added that currently, there is an existing lawn area which is not doing well. Ms. Black asked if some of the plantings need to be removed.

## **II. LAND USE ACTIVE- CONTINUED – 1. 25 Edgar Road**

Ms. Roth said yes, they should be removed and can be replanted in another area on the site. Mr. Krupa thanked Ms. Roth for her insight. Mr. Krupa reminded the Board that the representative needs to present the application. Mr. Berra commended the Board but stated that any decision made by the Board should be “blind” and not based on the applicant. He referred to a project that was done on his home before he had bought it. Ms. Roth said that this is a dynamic community and in this area you have to be practical and protect the aquifers.

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

1. 360 Main Street – No discussion.

## **IV. WORK PROGRAM**

1. Website Improvements – No discussion.

2. Planning Board Report – Jane Black – Jane Black attended the February 28, 2022, Planning Board meeting. Ms. Black said that there are two items that will be presented at a future time to our Board. She said that one application is located on Tripp Lane and the other is located on Byram Ridge Road.

2. Planning Board Report – George Drapeau attended the March 14, 2022, Planning Board meeting. Mr. Drapeau said that there were no Conservation Board related projects presented at the meeting.

3. RPRC Report – George Drapeau attended the March 1, 2022, RPRC meeting. He sent a synopsis of the meeting via email to the Board.

3. RPRC Report - Adam Barnett attended the March 15, 2022, RPRC meeting. He emailed the Board that there were no Conservation Board related projects presented.

## **V. NEW BUSINESS**

1. “See Something-Say Something” – Buck’s Flower Garden site located in Banksville was briefly discussed. The project has not been formally referred to this Board. A brief discussion on trees that fell down in the community took place.

2. Tree Discussion – Memo to PB – George Drapeau gave all of the member’s copies of tree codes from other communities. Mr. Drapeau gave a brief overview for Ms. Roth. Ms. Roth said she helped administer the tree codes in Mt. Kisco.

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

She added that the tree code in Mt. Kisco includes credit for taking down an invasive tree such as a locust tree. Mr. Drapeau said that a sub-group should meet with Ms. Roth to discuss this. Ms. Black said the amount of trees that can be removed needs to be changed, a tree bank formed and penalty fees changed. Ms. Roth said that the Town of Lewisboro has a tree bank system. Mr. Drapeau suggested looking at all of the tree codes from other towns and choose what we think is appropriate for North Castle. Ms. Black suggested that Ms. Roth look at the tree codes in North Castle and provide suggestions for improvement for the Board. Ms. Roth said that she needs to discuss this with her employer. She briefly discussed the tree codes in the town where she lives. Mr. Berra suggested that the Board contact Roland Baroni, Town Attorney for advice on how to proceed.

3. Submission Checklist – Homeowner Requirements – No discussion.

4. Annual Report to the Town Board- Discussion – A report was compiled by John Krupa and he would like to present it to the Board. The Board suggested a short power point presentation. The Board asked the Secretary to contact Alison Simon, Town Clerk, to place this on the Town Board's Agenda in April. The Secretary agreed.

5. Plants-Discussion – No discussion.

6. Site Walk -A site walk for 23 Bedford Banksville Road was scheduled for April 8<sup>th</sup> at 8:00 a.m.

## **VI. CORRESPONDENCE & ANNOUNCEMENTS**

1. Site Walk- 23 Bedford Banksville Road – Mr. Krupa said that the Town Board has asked for this Board to weigh in on this site and send a memo before the April 27, 2022, meeting if possible. Ms. Roth asked the Board if they wanted her to walk the site with them. The Board replied yes. Ms. Black said that the site is near the Mianus River and used to be a farmers market. She said that the applicant wanted to address improvements to the building. Ms. Black said that Adam Kaufman, Town Planner, said that the entire project needs to be looked at which includes the contractors yard which is located behind the building. Ms. Black asked if there was a special use permit in place. Mr. Krupa added that he thought the applicant was looking for the yard to be "grandfathered" in. Mr. Berra said no, that is not correct. He said that the yard has no proof that it has ever been approved and the applicant has said that they would like to clean it up and won't use it as a contractor's yard. He added that the applicant has asked for an 18 month special use permit to allow them to continue to use the yard and after 18 months it would cease to be used in this manner. Mr. Krupa said he wanted to clarify that they want us to approve it for 18 months. Mr. Berra and Ms. Black said yes.

## **VI. CORRESPONDENCE & ANNOUNCEMENTS- CONTINUED**

Mr. Berra said he had received clarification from Mr. Baroni, that the special use permit can be granted for a certain time period and another company cannot take over the special use permit. Mr. Krupa asked why the permit request is for 18 months. Mr. Berra said that it would probably not be approved and he thought it was considered a non-conforming site and they would like to legitimize what exists for a limited amount of time. Mr. Krupa asked if they are getting a limited permit to then sell the site. They agreed that this could be a possibility. Mr. Krupa said yes, this is what concerns him. Ms. Black said that she thought that the buyers of this property wanted some resolution on this before they closed on the property. Mr. Berra said yes, he thought that this was correct. Mr. Berra said that the owners have proposed that the building would be become a showroom for stone and is about 2,500 square feet. Mr. Berra briefly spoke about the site walk conditions that the Town Board attended.

**VIII. ADJOURNMENT** – The meeting was adjourned at 9:12 P.M.

**VIII. DATE OF NEXT MEETING: April 19, 2022.**

Julie Mucker, Secretary  
Conservation Board

File Name: Minutes31522