



**TOWN OF
NORTH CASTLE
CONSERVATION
BOARD**

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

**THE 467TH REGULAR MEETING OF THE NORTH CASTLE
CONSERVATION BOARD
TOWN HALL ANNEX- MEETING ROOM
JULY 20, 2021
7:30 P.M.**

Corrected

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

NOT PRESENT: Adam Barnett; José Berra, Town Board Liaison.

GUESTS: Jay Fain represented- 45 Hurlingham Drive
Philip & Linda Maresco, homeowners, represented – 1 & 3 Stony Brook Place
Daniel Sehnal & Thomas McGovern represented- 94 Business Park Drive

I. MINUTES: Minutes of the regular meeting, which was held on June 15, 2021, and the Minutes from the Special Work Session held on June 29, 2021, were approved. The motion was made by George Drapeau and was seconded by Jane Black. The motion was unanimous.

II. LAND USE: ACTIVE – 45 Hurlingham Drive – Jay Fain represented this application, which is located at 45 Hurlingham Drive. Mr. Fain said that a joint site walk with the Planning Board was held in March of 2021. Mr. Fain explained that this is a 10 acre lot located in Conyers Farm beside Converse Lake. He added that this is an unusual lot that has been cleared and includes a constructed septic system. Mr. Fain said that the applicant has proposed a new residence, tennis court and guest house. He added that he has been working with the Town Engineer to comply with the zoning aspects of the site. Mr. Fain said that they were going to present to this Board in May of 2021, but the applicant decided to relocate the proposed residence to a different location. Mr. Fain said that the reason why he is presenting to this Board is because there is a proposed wood chip walk to the lake that has a dock. He added that there will be no tree removals in this area. Mr. Fain said that the dock is a temporary dock and would be removed in the winter months. He said that the proposed driveway was originally located beside the septic area and has been relocated. Mr. Fain showed the new location on the plan to the Board. He said that a total of 34 trees will be removed. He said that the proposal includes a 1 to 1 tree replanting for any tree removals.

Ms. Black asked to see the mitigation plan. Mr. Fain said that all shrubs, trees and perennials will be native species. Mr. Krupa asked John Kellard, Kellard Sessions Consulting, if the proposed mulch is actually considered disturbance.

II. LAND USE: ACTIVE- CONTINUED – 1. 45 Hurlingham Drive

Mr. Kellard said that wood chips are being spread on the ground. Mr. Krupa said yes, and reiterated if it was truly considered disturbance. Mr. Kellard replied that this practice was probably not considered disturbance. Mr. Fain said that he wants to leave every project better and not worse. Ms. Black asked if there was a quantification of the disturbance listed on the chart. Mr. Drapeau asked if there is a quantification of tree removals listed on the plan. Mr. Fain said there is a mixture of trees that need to be removed, such as sugar maples. He added that some of them are healthy and some are damaged with broken crowns. Ms. Black asked about the proposed specimens of replacement trees. Mr. Fain said that they have plans to plant sugar maples, red maples and disease resistant trees. Mr. Krupa said the proposed list look like all native trees. Mr. Fain said yes, he tries to use native and non-invasive plants. Ms. Black said that this is very minimal disturbance. Mr. Krupa said that you can argue if it even is considered disturbance. The Board agreed with Ms. Black. Mr. Fain stated that they do not require a New York State Department of Environmental Conservation (NYSDEC) permit. Mr. Krupa asked if Kellard Session is aware of this. Mr. Fain replied yes, he has been in contact with Joseph Cermele, Town Engineer throughout the process. Mr. Benedict said he appreciated the native plant list, but said that the proposed rhododendron plants are not deer resistant. Mr. Fain said that the applicant may use deer fencing and have found that deer do not eat rhododendron plants unless the area is overgrazed. Mr. Krupa agreed with Ms. Black and questioned if this application is disturbance and said that the applicant has proposed a favorable plan. George Drapeau said that he has been at several site walks at Conyers Farm and realizes that the cumulative impact of the removal of 34 trees is minimal. Mr. Drapeau asked if this parcel was formerly owned by Ron Howard. Mr. Fain replied no, Mr. Howard's property was located across the other side of the lake. Mr. Fain said that this application will be on the Planning Board Agenda for August 9, 2021, for a public hearing.

A motion for a recommendation of approval was made by Jane Black, and the motion was seconded by Craig Benedict. The motion approved unanimously.

2. 1 & 3 Stony Brook Place – Philip and Linda Maresco, owners, represented this application, which is located at 1 & 3 Stony Brook Place. Ms. Black asked why the revised plans included two buffer lines. Mr. Maresco replied that there are two buffer lines on the plan because Mr. Kellard asked for a more detailed survey than the one that was submitted. He explained that he had acquired this survey from his architect who had drawn these buffer lines on the plan. He said he thought that this was drawn on the plan because of the existing stream. Mr. Maresco stated that Matt Norden, former employee of Kellard Sessions Consulting, had requested that the buffer line be moved 6-inches on the plan. Mr. Maresco said he complied with Mr. Norden's request. He added that this includes 3 of the 5 tree removals in the wetland buffer. Ms. Black asked if there was a second set of plans for the other property. Mr. Maresco replied yes. He said that the dead trees are not in the buffer and said all of the other trees are dead and would fall on power lines. Mr. Maresco referred to a memo submitted by Kellard Sessions Consulting, which asked for the applicant to include details on the plan.

II. LAND USE: ACTIVE- CONTINUED- 2. 1 & 3 Stony Brook Place

He said that he added his names on the plans and added the spruce trees which will be 3 feet in height onto the plans. He said that his neighbor Barbara DiGiacinto, has chosen very nice plantings such as beach grass. Mr. Maresco added that this would provide significant growth around his neighbor's pool and provide privacy. He said he thought that these plants would thrive in the sunlight and showed the Board members the location on the plan. He showed the Board an area on the plan that has been proposed for low growing shrubs. Mr. Krupa asked the applicant why he is removing 5 healthy trees. Mr. Maresco said it is the only area on the property where they could construct raised planters for a vegetable garden. Mr. Maresco said it is for aesthetics and one of the trees is 10 feet from the roadway. Mrs. Maresco said that all of the trees will be replaced. Ms. Black asked Mr. Benedict if he agreed with the tree replacement plan submitted. Mr. Benedict said yes, it is excellent. Mr. Maresco said he had planted 6 spruce trees and they have grown exponentially in the last few years. Mr. Benedict said yes, once they are established they will grow quickly. Mr. Maresco said they had removed existing oak trees and replaced them with spruce trees and they are very happy with them. Mr. Krupa said there are many spruce trees in the area. Mr. Maresco said that Ms. DiGiacinto has a beautiful established hedge along the roadway. Ms. Black asked Mr. Kellard if this was an administrative permit. He replied yes. Mr. Kellard said he has been to the site and looked at the trees.

A motion for recommendation was made by Ms. Black and was seconded by Craig Benedict. All Board members were in favor of the motion.

3. 94 Business Park Drive – Daniel Senahl and Thomas McGovern represented this application, which is located at 94 Business Park Drive. Mr. Senahl said that the existing hotel on the site will be demolished.

Mr. Senahl said that there are existing wetlands on the east side of the site. He said they are “giving back” to the buffer and originally had sought a 1 to 1 mitigation in this area and 2 to 1 mitigation in the remaining disturbed areas. Mr. Senahl said that the 1 to 1 mitigation request was discussed by Ms. Black with Roland Baroni, Town Attorney, and that request was denied as the applicant must meet the 2 to 1 town code requirements. Mr. Senahl said that there is close to 18,000 sq. ft. of disturbance in the wetlands buffer. He said that they are “giving back” 1,168 sq. ft. to the wetlands buffer. He added that this leaves the 30,000 +/- sq. ft. requirements left for mitigation requirements. Mr. Senahl said that they are planting as much as possible in the wetlands buffer. He added that there are many invasive plants on the site and these would be removed. Mr. Senahl said that as a result, the screening between the Bristol Retirement Center and this property would be reduced, therefore they would provide more planting in this area. He said that they have proposed to bank parking spaces in the front of the site and would only construct the spaces if needed. Ms. Black asked Mr. Senahl to show the Board the location on the plan. He complied with the request. Mr. Senahl reiterated that they would not construct the spaces unless they are needed. He added that they will mitigate this area as much as possible. Mr. Senahl said that the mitigation requirements will be met with the additional mitigation plans and plant removals on the site.

II. LAND USE: ACTIVE- CONTINUED – 94 Business Park Drive -

Ms. Black asked if the mitigation calculation have been done. Mr. Senahl said yes, the total is about 35,000 square feet of mitigation required and they have proposed a total of 41,000 square feet. Mr. Drapeau asked if the total of impervious surfaces have been quantified. Ms. Black said yes, the total of “give back” is 5,751 of impervious surfaces. Ms. Black noted that the land banked parking spaces have been proposed as mitigation. However, if those parking spaces would need to be developed then the mitigated area is no longer mitigated. He said yes, we will mitigate around those banked parking spaces and not construct those spaces at this time. Ms. Black asked if these spaces were needed for Planning Board approval. Mr. Senahl replied yes. Ms. Black said that the land banked parking spaces are serving two purposes and this does not meet town code requirements. Mr. Krupa agreed. Mr. Senahl said that the applicant would pay into the town fund for any remaining requirements that can’t be met on the property.

Mr. Krupa asked Mr. Kellard about the Byram River and what the Board needs to be aware of. Mr. Kellard said that it is a Westchester County stream and this applicant must get a permit. Mr. Senahl said the permit needs to be obtained for disturbance within 50 feet of the buffer. Mr. Kellard added that the New York State Department of Environmental Conservation (NYSDEC) permit must be obtained. Mr. Senahl said that this has been determined as a non-regulated wetland. Mr. Krupa asked about the 2,400 sq. ft. of maintained lawn area that they are “giving back”. He showed the Board the area on the plan. Mr. Krupa said this proposal would not maintain that area going forward. Mr. Senahl replied yes. Ms. Black said the area around the warehouse will be maintained, but not in the buffer area. Ms. Black said that the only issue is the banked parking area being used as mitigation and asked the applicant if they were willing to make a payment in lieu of. Mr. Senahl replied yes. Mr. Drapeau said that he was concerned about the screening between this property and the Bristol property, but stated that it seemed as if this has been resolved. Mr. Senahl said yes, this was worked out with the Planning Board and the Architectural Review Board (ARB). Mr. Krupa agreed with Ms. Black’s statement about the payment in lieu of. Ms. Black suggested that the figures need to be removed from the parking area. Mr. Krupa said that this would be worked out with Kellard Sessions Consulting. Mr. Kellard said yes, this would be minimal amount which would be about 6,000 square feet. He added that the payment would be minimal. Mr. Kellard asked about the size of the office space in the building. Mr. Senahl said it is about 10,000 square feet. Mr. Kellard asked what the total amount of parking spaces have been proposed for the site. Mr. Senahl replied that there are a total of approximately 97 parking spaces. Mr. Kellard said that is a large amount of parking spaces. Mr. Senahl said that they have provided a flexible design regarding the parking spaces on this site depending upon the tenant that leases the building. Ms. Black said that she was in favor of recommending approval depending upon the applicant working with Kellard Sessions Consulting on the remaining mitigation requirements as discussed.

Jane Black made a motion to recommend approval for this application; George Drapeau seconded the motion made. All Board members approved the motion.

III. LAND USE-PENDING

1. 360 Main Street – No discussion.
2. 1 Kent Place – No discussion.

IV. WORK PROGRAM

1. Website Improvements – No discussion.
2. Planning Board Report- June 28, 2021 – Andy Block attended the June 28th Planning Board meeting. A synopsis of the meeting was sent to the Board via e-mail. Mr. Block informed the Board that there were two discussions regarding the lumber yard site and the Summit Club. The discussion on the Summit Club included a buffer zone along Route 22. Discussion about several aspects of the projects ensued.
2. Planning Board Report – July 12, 2021 – Craig Benedict attended the July 12, 2021, Planning Board meeting. A synopsis of the meeting was sent to the Board via e-mail. He informed the Board that an application located at 15 North Lake Road has many overgrown spruce trees. He added that the applicant had proposed a 1.5 tree replacement plan. The Board was very pleased to hear about the tree replacements.
3. RPRC Report – July 6, 2021 – Craig Benedict attended the July 6th RPRC meeting. He said that an applicant proposed removing many overgrown trees. He said there were no wetland related projects.
3. RPRC Report – July 20, 2021 – Craig Benedict attended the July 20th RPRC meeting. He said that there were no Conservation Board related projects presented.
4. Open Space Committee meeting – John Krupa attended the Open Space meeting on July 13, 2021. He informed the Board that the Eagle Ridge and Airport Campus projects were discussed. Mr. Krupa said the Airport Campus hasn't been referred to our Board. He informed the Board that the Attorney for the Airport Campus claimed that the current easement in place does not have to be honored by them. Mr. Krupa said the applicant has proposed a 7-story building. He added that this would change the face of North Castle. Mr. Kellard said that the Board could chime in once the Draft DEIS is submitted. Ms. Black said yes, we are an involved agency. Mr. Krupa said the Airport Campus application includes 50% of open space. Andy Block asked to be a part of the meeting to be scheduled with Adam Kaufman, Town Planner, to discuss Town Board referrals.

IV. WORK PROGRAM: CONTINUED

5. Town Board meeting- re: Eagle Ridge memo submission – John Krupa and Craig Benedict attended the July 14, 2021, meeting. Mr. Krupa and Mr. Benedict attended the meeting regarding the Conservation Board memo submission regarding the Eagle Ridge application. Mr. Krupa and Mr. Benedict agreed that it was an unnecessarily difficult meeting. Mr. Krupa informed the Board that town code 355-F mentioned in the Conservation Board memo submitted was discussed. Mr. Krupa referred to a draft memo that Kerri Kazak, Open Space Chair, has compiled. The draft memo was handed out by Mr. Krupa to the Board to peruse. He said the memo has to be submitted to the Town Board in 20 days. Mr. Krupa said he hoped that changes could be made to the project as a result of the hard work on the memo that was submitted. Mr. Krupa said he has arranged a conference call on Thursday, July 22nd at 3:30 with the NYSDEC to discuss matters pertaining to this project. Mr. Krupa said he is not trying to cause problems; he is just trying to have this Board do its job effectively. The Board agreed.

V. NEW BUSINESS

1. "See Something-Say Something" – Mr. Krupa asked the Board if they had any issues to be discussed. He referred to the millings e-mail that was sent to the town by a resident. He said that there have been no discussions about this area. Ms. Black referred to a neighbor complaint that was discussed at a prior meeting. She said that the complaint has not been addressed and woodchips are still being placed in the wetland buffer.

2. Submission Checklist- Homeowner Requirements – Andy Block asked if an editable version of this document has been sent. The Secretary said yes, it was sent. Mr. Block asked the Secretary to re-send the editable version of the checklist. She agreed.

VI. CORRESPONDENCE & ANNOUNCEMENTS

VII. OLD BUSINESS

1. Tree Ordinance – Discussion – Ms. Black informed the Board that Christopher Carthy, Planning Board Chairman, has stated that a joint meeting will be planned to discuss this topic. George Drapeau said that he can easily share the Town of Greenburg's document with the Town of North Castle to peruse. He said that the document is the life's work of two people and said that this is the "bible" for trees. He said that the Town of North Castle may not use all of the policies in the document, but it would be more than beneficial to use several of them. Discussion ensued about properties that have removed trees and remain unconstructed and no trees have been replaced. Mr. Drapeau said he would send the documents to Mr. Krupa and Ms. Black. Ms. Black said that she feels that the response to tree replacements has been favorable. The Board agreed.

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VIII. ADJOURNMENT – Andy Block made a motion to adjourn the meeting. Jane Black seconded the motion. All of the Board members approved the motion.

IX. DATE OF NEXT MEETING: September 21, 2021.

Julie Mucker, Secretary
Conservation Board

File Name: Minutes72021