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**THE 470TH REGULAR MEETING OF THE NORTH CASTLE
CONSERVATION BOARD
TOWN HALL ANNEX- MEETING ROOM
TUESDAY, NOVEMBER 16, 2021
7:30 P.M.**

Draft

PRESENT: Adam Barnett; Craig Benedict, Jane Black, Co-Chair; Andy Block; George Drapeau; John Krupa, Co-Chairman; José Berra, Town Board Liaison; John Kellard, Kellard Sessions Consulting.

NOT PRESENT: All members were present.

GUESTS PRESENT: Jim Ryan and Anthony Nester represented- 1 Kent Place.

I.MINUTES: Minutes of the regular meeting, which was held on October 19, 2021, were approved as corrected. The motion was made by Jane Black and was seconded by George Drapeau. The motion was unanimous.

II. LAND USE: ACTIVE – 1 Kent Place - Jim Ryan and Anthony Nester represented 1 Kent Place. Mr. Ryan explained that they had presented at a prior meeting to discuss what the applicant would like to achieve and alter at the Amore Restaurant site. Mr. Ryan explained that they will be doing work in the corridor stream area to protect the buffer. He said that the determination for this work took a bit of time due to quorums needed at the Zoning Board for the required variances. He said that the variances are twofold as the existing patio has to be removed and a 5-foot setback has been implemented from the property line. He added that they have received variances for the side yard terraces and parking.

Mr. Ryan said that once the variances were granted he contacted Adam Kaufman, Town Planner, and Mr. Kaufman directed the applicant to re-present to the Conservation Board. He added that they will need to present to the Planning Board.

Mr. Ryan said he used input from this Board prior presentation discussion to address the flood way zone and the storage area. He said that with the Board's guidance from the last meeting, they prepared a 2 to 1 onsite mitigation plan. He referred to an area along the side of the stream, which was shown on the plan to the Board. Mr. Ryan said that there are a large number of invasive plants that will be removed near the adjacent office park. He added that the area will be planted with a wetland seed mix. He stated that they need a compensatory storage area to replace the volume of terrace area that needs to be removed. Mr. Block asked what Mr. Ryan meant by storage. Mr. Ryan said that when there is a decrease in storage capacity for the flood plain area the goal is now to replace the lost volume somewhere.

II. LAND USE: ACTIVE – CONTINUED - 1 Kent Place

He said that there is an existing low area that can be excavated. He stated that he had met with Joseph Cermele, Town Engineer, who suggested verifying the gravel base and then using pervious pavers and replacing the existing gravel with a more porous material. He showed the Board the location in question on the plan. He said that the mitigation plan meets the town code requirements. Mr. Ryan added that the applicant had planted tall grasses on the site and these plants will be removed and replaced. He added that these will be removed and sporadic plantings will be placed in this area.

Ms. Black asked about the three lines on the plan. Mr. Nester explained that the lines are the flood way and the 100 year flood plain. Mr. Ryan said that the whole property is located in the flood plain. He added that the stone area shown on the plan needs to be replaced as it is eroding. Ms. Black asked for the disturbance figure amounts. Mr. Ryan said that yes, the disturbed area is 1,110 sq. ft. of disturbance and this incorporates the new patio area. He added that they will be planting 2,200 sq. ft. of mitigation. Mr. Drapeau asked if this was on the planting schedule. Mr. Ryan replied yes. Mr. Block asked if the seeding area is considered a net loss or gain. Mr. Ryan said that this will be a net loss. Mr. Nester showed the Board the fire pit, which will remain. Mr. Ryan said the outdoor area provided a reprieve for the very difficult time that restaurant owners have had due to the pandemic. Mr. Block commended the restaurant and its outdoor seating area. Mr. Ryan said that the owner has made the commitment to “do it right” and is more than willing to make any changes necessary. Photos of the before and after were shown to the Board. Mr. Barnett asked about the difference between a flood plain and a flood way. John Kellard said that flood way stores water and a flood plain is a low lying area beside a river. He explained that these two scenarios require different types of permits. Mr. Kellard asked if they had spoken to the Town Engineer. Mr. Nester said yes, they will provide all of the calculations to the Town Engineer. Mr. Ryan added that there was no fill brought in for the terraces, which would have made it worse. Mr. Kellard said that there should be no structures in the floodway. Mr. Ryan said yes, they still need to apply for that required permit. Mr. Kellard said that yes, there are existing structures in the floodway as well as the actual building itself. Mr. Ryan replied yes. Mr. Barnett said that this building predated all of the existing wetland buffer requirements and asked what the history of the building is. Mr. Ryan said that it has been many restaurants for many years. Mr. Krupa asked if the Board has any comments.

Mr. Krupa referred to a memo issued by Kellard Sessions Consulting. Mr. Krupa commended the memo. He asked about a comment made that the mitigation areas should be shifted to where the trees are located to create an understory. He asked if this has been done. Mr. Ryan said that he has not received the memo. He added that he has no issue with that request. Ms. Black asked whether the comments are accessible online. Mr. Kellard said that they can e-mail them to Mr. Ryan. Mr. Krupa said that the type of wetland has been characterized and the memo suggested that the plants be appropriate to the flood plain. Mr. Ryan agreed with the comment made in the memo. He added that they are open to any suggestions. Mr. Krupa asked Mr. Benedict if he knew of any suggestions. Mr. Benedict said that he was unsure.

II. LAND USE: ACTIVE- CONTINUED- 1 Kent Place

Mr. Ryan said he would speak to Kellard Sessions Consulting about this suggestion. Mr. Kellard said that a link can be sent from the National Heritage Program. Mr. Ryan said that this would be helpful. Mr. Krupa referred to the comment made about the rock at the edge of the stream and said that the shrubs should be appropriate for that area and asked if the winter red holly could be removed. Mr. Kellard added that this plant needs more sunlight to thrive. Mr. Nester agreed and would replace it with another appropriate species. Mr. Krupa asked that a 5 year mitigation maintenance monitoring plan be done on the plantings.

A motion was made by Adam Barnett to approve this application based on the adjustments to be made as discussed. The motion was seconded by Craig Benedict. The motion was unanimous.

III. LAND USE-PENDING

1. 263 Bedford-Banksville Road- The applicant has withdrawn the application.

2. 360 Main Street – No discussion.

IV. WORK PROGRAM

1. Website Improvements- Discussion – The Board briefly discussed an e-mail that Craig Benedict had sent to the Board regarding climate change. Ms. Black suggested using town resident e-mails to send any relevant information via an e-mail blast. Mr. Krupa was very supportive of this idea. Mr. Krupa asked Mr. Berra if the Board could acquire the town resident e-mails. Ms. Black suggested that the Secretary could contact the Town Clerk. The Secretary agreed. Mr. Krupa said that we should explore this further. Mr. Drapeu said that there are seminars in New Paltz (NYSDEP) that could provide a model of what could be included on our website so that we don't have to "reinvent the wheel". Mr. Drapeau said he would be happy to look into this. Mr. Block said that there is a documentary about plants that he thought may be helpful. He said he would send the link to the Board via e-mail. Mr. Berra said Mr. Hussain, Town Board member, has spearheaded a task force to allow connectivity with the residents. He added that this will be discussed at a work session before the next Town Board meeting. Mr. Krupa said that if the e-mails are accessible, this would be very helpful. He added that there have been some questions as to what this Board does and this could solidify our role as a Board. Mr. Krupa asked if we could reconvene at a future time to discuss this further at length once Mr. Drapeau attends one of the seminars. Ms. Black said we could send out links to past work done on septic systems, trees and lawn maintenance.

2. Planning Board Report – October 25, 2021 – John Krupa attended the October 25, 2021, meeting. Mr. Krupa said that there were no Conservation Board related projects.

IV. WORK PROGRAM- CONTINUED

2. Planning Board Report – November 8, 2021 – Adam Barnett attended the November 8, 2021, meeting. Mr. Barnett said that the conservation easement suggested by the Board was not implemented by the applicant, located on Middle Patent Road.

3. RPRC meeting – November 2, 2021 – Andy Block attended the November 2, 2021, meeting and said that there was an applicant who wanted to remove several trees and the RPRC asked the applicant to provide a more thorough plan. Mr. Block also mentioned an application on Edgar Road. A brief discussion ensued. A project that was previously seen by the Board and is located on Sterling Road North was discussed. The Conservation Board gave a negative referral for the application. The Board briefly discussed this application, which is back before the Planning Board.

3. RPRC meeting November 16, 2021 – Mr. Drapeau attended the November 16, 2021 meeting. Mr. Drapeau informed the Board of three applications which would be granted administrative wetland permits.

V. NEW BUSINESS

1. "See Something- Say Something" – Ms. Black informed the Board about a possible project without a permit on Cedar Hill Road. Mr. Block informed the Board that a resident planted forsythia in the right of way on Windmill Road. Mr. Krupa discussed his ongoing concern about the Brynwood Golf Course tree removals.

2. Tree Discussion- Memo to PB – Mr. Krupa said that a sub-committee has been formed which includes Mr. Drapeau and Mr. Benedict. The sub-committee plans to draft a memo which would include potential changes to the language regarding trees that the Board would like to present to the Planning Board. The Board agreed with Mr. Drapeau's suggestion that Susan Roth, Kellard Sessions Consulting could be consulted for any suggestions. He added that he has looked at what other towns are doing and emphasized the importance of a forestry officer. Mr. Drapeau said that he and Mr. Benedict will get together after the holiday season after he has consulted with Ms. Roth.

3. Submission Checklist- Homeowners Requirements – No discussion.

4. Annual Report to the Town Board- Discussion – Mr. Krupa said that in previous years, a report was generated on any projects presented to the Board and it was sent to the Town Board to apprise them of what the Board has seen and attended to. Mr. Krupa and Ms. Black offered to go to the office to start the report.

V. NEW BUSINESS - CONTINUED

5. Plants – Discussion – Craig Benedict sent an e-mail to the Board regarding climate change and referred to an application located on Business Park Drive. He said that many municipalities are discouraging the practice of planting lawns or turf. He said that there are so many areas that have been inundated by floods and wildfires. Mr. Benedict said he would like to encourage more tree planting to property owners versus lawn maintenance. He added that lawn maintenance costs could be reduced along with the practice of lawn watering to reduce the use of water. Mr. Benedict said he would like to educate the public about tree plantings and the adverse implications from lawn chemicals and pesticides. He spoke about an article he read regarding pack blowers and the noise they generate. He added that the pack blowers release an enormous amount of emissions into the air. Mr. Krupa asked why foliage trees are preferred over evergreen trees. Mr. Benedict said that foliage trees absorb pollution and evergreen trees can be a fire accelerant. Ms. Black said that other towns are promoting pollinators. The practice of meadow mix planting was discussed. Mr. Krupa said he thought that this would be a wonderful start to educating the public. Mr. Barnett asked if a zoom call could be implemented with local landscape architects. Mr. Barnett offered to work with Mr. Benedict on this subject.

VI. OLD BUSINESS

1. Tree Ordinance – No discussion.

VIII. ADJOURNMENT – A motion was made by Craig Benedict to adjourn the meeting. The motion was seconded by Jane Black. The motion was unanimous. The meeting was adjourned at 9:10 P.M.

IX. DATE OF NEXT MEETING: January 18, 2022.

Julie Mucker, Secretary
Conservation Board

File Name: Minutes111621