



**TOWN OF
NORTH CASTLE
CONSERVATION
BOARD**

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**SPECIAL WORK SESSION
NORTH CASTLE CONSERVATION BOARD
TOWN HALL ANNEX- UPSTAIRS MEETING ROOM
JUNE 29, 2021
7:30 P.M.**

Corrected

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

1.94 Business Park Drive – The Secretary informed the Board that Daniel Senahl, representative for the project, called the office to inquire if he needed to present at this work session. She told Mr. Senahl no, he was not required to present and suggested he wait for the Board's comments before revising the plans. He agreed. Ms. Black informed the Board that Roland Baroni, Town Attorney, said that the 1 to 1 mitigation proposed for the project was not sufficient to meet the town code requirements. Ms. Black had called and inquired about this because the applicant is "giving back" a large amount of square footage that was disturbed and would be allowed to naturalize. She added that the applicant must meet the required 2 to 1 town code requirement. She said that the applicant needs to investigate what could be done. Ms. Black said that the applicant should mitigate the property as much as possible and could then make a payment in lieu of for the remaining mitigation requirements. John Krupa asked if there was a determination made that would allow all mitigation to be done on site. The Board agreed that it didn't seem like there was a determination. Ms. Black said that there was a tremendous amount of invasive planting along the perimeter of the site that could be removed and would contribute towards the town code requirements. The Board agreed that there didn't seem to be enough areas to mitigate on the site to meet the town code requirements. George Drapeau referred to a Planning Board meeting that discussed the 100 year flood plan and those permits that needed to be procured from Westchester County. Mr. Drapeau added that he would like to see any trees be preserved between this site and the Bristol Senior Housing Development. He said that this is a commercial residential community and therefore the trees should be preserved. Mr. Drapeau said he didn't think the applicant was aware of this or committed to achieving this. Ms. Black said yes, this area should be maintained and enhanced. Mr. Drapeau said that there should be some screening in the front of the site. He said that this would be a warehouse, so it could be "shrubbed out". Mr. Krupa said that the most attractive warehouses are the ones that you can't see. Mr. Krupa said yes, he agreed with Mr. Drapeau. Mr. Krupa said that this application will not be able to achieve the 2 to 1 requirements and we should give them some options.

1.94 Business Park Drive – continued

Ms. Black said that they need to calculate the site to see how much mitigation can be done on the property and then figure out the square footage of the area that cannot be mitigated on the site. She added that we would inform the applicant that the Board would like to see enhancement between this site and the Bristol Senior Living site along with screening along the road. Mr. Krupa asked if we ask the applicant to contribute the rest of the mitigation requirement needed to a “bank” which would allow the town to use the funds for a town owned property. Ms. Black reiterated that the town attorney said that if they cannot meet the town code requirement on site the applicant can propose a payment in lieu of. The Secretary offered to send Mr. Senahl these comments via e-mail. Ms. Black agreed. Mr. Krupa asked if there is any consideration for offsite mitigation. Ms. Black said this can be considered, but it can be very difficult. She referred to a successful offsite mitigation site that was done in Banksville by Giocondo DiPietro. The Board briefly discussed the “bank” fund. Ms. Black said that this is an escrow account and is used for town owned property. Mr. Krupa said that the 5 year maintenance plan is the only other thing that could be added to the plans that protect the plantings that are proposed for any applications. Ms. Black said yes. Ms. Black said that the payment in lieu could be used towards improving Wampus Brook South Park. Mr. Krupa referred to a phone call made by Mr. Benedict regarding the escrow account. Mr. Benedict asked what goals need to be met before the funds are used. Ms. Black said one of the goals was to build up enough funds to make improvements to Wampus Brook Park South. She added that at one time bids were received on this project but the Town decided that it was unaffordable at the time. Mr. Krupa said yes, that project is costly, but wondered if there was another smaller area where the funds could be used. Ms. Black said that this is a discretionary account and cannot be co-mingled with any other funds. Mr. Benedict asked about the funds that were received from 470 Main Street. Ms. Black said once the funds are received it is in the Town Board’s hands. Mr. Krupa referred to a project that said that the payment in lieu funds could be used for refurbishment of a town owned parking lot. He added that he would like for these funds to be used in a green space. Ms. Black said yes, however the parking lot that he was referring to is in a buffer. The buffer in discussion was located on Kent Place. Mr. Krupa asked if the applicant needs to re-present to the Board. Ms. Black said yes, there were too many unanswered questions. She added that we don’t know where the mitigation locations are. Mr. Drapeau asked how many tree removals would take place. The Board said that there are mostly ornamental trees on-site. Mr. Benedict said that the site has not been maintained. The Board agreed.

2. Eagle Ridge – Ms. Black said that four Board members were at the site walk on June 29, 2021. Adam Barnett said he attended a site walk with the Planning Board approximately six months prior to this site walk. Ms. Black said that she, Mr. Krupa and Matt Norden, Kellard Session Consulting walked the property last week and they found at least three stakes and remnants of the balloon testing on site. She said that the field has grown tremendously in a weeks’ time and more difficult to find the staked corners.

2. Eagle Ridge- continued

Ms. Black referred to the Town Board's July 14, 2021, deadline for any comments from this Board. She said we need to agree on a positive, negative or neutral response on the site along with any comments from the Board in a memo by that date. She referred to a Planning Board meeting that she attended approximately six weeks ago where that Board gave a positive recommendation to the Town Board on the zoning changes that were proposed. Ms. Black said a lot of this Board's comments are based on a site plan that does not exist at this point. She added that any comments that deal with any environmental issues should be highlighted now because this is our purview. Mr. Drapeu said he didn't see any plans submitted on the streetscape. Ms. Black said yes, there is not a finished streetscape plan because that goes along with the site plan that has not been submitted at this stage. She said that at this stage; the Town Board is simply deciding on whether to re-zone this site or not. Ms. Black said that ten years ago this was zoned as a 300 room hotel. She said that we can have a positive impact on this project. Mr. Barnett referred to an email that was sent regarding the MBIA property which proposes a hotel on the site. Ms. Black said yes, but it's not our purview to weigh in on what hotel is preferred at which location. Mr. Barnett said yes, he understood that but said that the Town Board's enthusiasm about this project is based on this hotel for social events and wondered if the Town Board's enthusiasm would change if another hotel would be constructed. Mr. Benedict asked where the former MBIA building is located. Mr. Krupa and Ms. Black described the former MBIA location. Mr. Krupa said that in his opinion, he would agree as a private citizen that there seems to be a lot of enthusiasm for the Eagle Ridge which could "bleed over" into leniency in zoning amendments. He agreed that Mr. Barnett's comment is relevant, but this Board cannot comment on politics. He added that this Board can make comments about any reservations that we may have in a memo if it is under our purview.

Mr. Krupa said he was advised by Kerri Kazak, Open Space Chair, to read the SEQR documents regarding this project. Mr. Krupa said he didn't see anything in that document that was out of line, but this doesn't mean that he wants to give a positive recommendation. Ms. Black said in reality, this zoning for the hotel 10 years ago and the proposal meets all aspects for the building codes needed. She added that the applicant can apply for a permit for the hotel and start that immediately. Mr. Drapeau said that the applicant will not do that unless the town approves the residential portion of the proposal. He referred to the comprehensive plan and streetscapes and wants to leave this town better when he leaves the area. He felt that this would not be better by "throwing up a hotel" on a ridgeline that can be seen from Main Street. Mr. Krupa said we could give a negative recommendation to the Town Board, but we have to state the reasons why. Mr. Krupa said that he agreed with Mr. Drapeau but he and Ms. Black are concerned about the vistas. Ms. Black said yes, there are various issues we can comment on and the vistas are one of those issues. She added that the project is not entering any of the wetland buffer areas. She said that her inclination is not to make a positive or negative declaration but to make comments about the site that are important to the project.

2.Eagle Ridge- continued –

She said that the Town Board has been dealing with this project for four years and the environmental impact reports have been completed. She reiterated that the Planning Board has given a positive recommendation and if this Board gives a negative recommendation it will not make a difference to the outcome of the project. Ms. Black said that constructive recommendations for this project could be made and this could make the project a better one. Mr. Krupa agreed with Ms. Black's statement. Mr. Krupa said that at the first site walk where Mr. Salomone, did not appear, Matt Norden noticed that there was a tremendous amount of pollinators. Mr. Norden said that the Board should suggest that a pollinator garden be included on the site. Ms. Black said that some areas that include meadow mix encourage pollinators. Mr. Krupa said that this in this example if we go on record as saying that there should be a pollination garden and the project gets "greenlighted" without the garden being done; in 20 years someone can read this record that this Board asked for this and it wasn't done. Mr. Krupa said that if there are no more colonies of bees in 10 years this Board can say that they did suggest this and feels that this is very important to state on record. He added that all of the issues can be said in a memo and he doesn't want to squander this opportunity. Ms. Black said yes, we can ask for that and an enhanced buffer between the hotel and the Community Park.

Mr. Benedict referred to existing rows of townhouses located in Danbury, Connecticut on Route 1-84 and thought that the rendering of this site looked the same. He said that this is what he is envisioning for this site and insist that pollinators be present on every lot with a full landscaped plan and incorporate that and lovely, ornamental trees thought out the project. Ms. Black referred to buffers along Route 22 and the Community Park and to also soften the look of the townhouses. Ms. Black said that currently, there is not plan for the architecture of the townhouses and the renderings shown may not be what are constructed. The Board agreed that they hope that this is indeed the case. Ms. Black said that Mr. Salomone said that he anticipates that the townhouses will sell for 1.6 million to 1.8 million per townhouse. She said that there has not been a lot of planting proposed between the townhouses. Ms. Black added that she would like to see the townhouses constructed in the contours of the land and referred to the Whippoorwill Hills & Whippoorwill Ridge project which was done in that fashion. Mr. Benedict said yes, they are not all rows of townhouses. Mr. Krupa said that the applicant is trying to get the most density out of this project and we could comment on this. He said we could make a comment that the maximum density being proposed is not best for the community. Ms. Black said that the current rendering looks like Levittown, NY. The Board agreed. Mr. Benedict asked about the removal of 600 trees and asked if this area is a clear cut area. Ms. Black said that Mr. Salomone said that there was one area of trees that would need to be removed where the proposed hotel location is. Mr. Drapeau said it was about 20 to 30 yards of trees. Ms. Black said that the wooded buffer that is located beside Route 22 would need to be removed. She referred to Ms. DiGiacinto's comment about raising the hotel further back from Route 22.

2. Eagle Ridge- continued

She said the original plan was lower on Route 22 and the Town Board would not allow that. Ms. Black said that this has a negative impact to the ridgelines and visibility and that's why she would like to see more planting along those buffers.

Mr. Krupa said he talked to Mr. Salomone about the tree removals. He informed the Board that Mr. Salomone is on a Conservation Board in the town of Ridgefield, Connecticut. He said that Mr. Salomone said that they have a very strict tree removal town code. Mr. Krupa said he told him that he wished that this town had more regulations and Mr. Salomone seemed sympathetic to Mr. Krupa's comment. Mr. Krupa said we should include a 1 to 1 tree removal/tree planting in the memo. He referred to a RPRC meeting where the applicant was willing to do this when Mr. Krupa asked for that. Ms. Black said she has noticed a big change in tree replacement comments at the RPRC meetings. She said that the applicants are willing to do replace trees when the Committee has requested it. Mr. Drapeau said that this is his problem with the clear cut of trees and no distinguishing of what trees are remaining or being removed. Ms. Black said that this would be included in the site plan process. Mr. Krupa said that he feels that the Town Board will include this Board in the site plan process.

Ms. Black said we should list a report that we have done the site walk and have reviewed the project and we have comments that we hope the Town Board takes into consideration when they further develop this project. She referred to the protection of the ridgeline, trees replacement, meadow and pollination, development in keeping with the town via contours. She said we can refer to Whippoorwill Ridge and Whippoorwill Hills which have done this successfully. Mr. Barnett said that he agreed with all of the comments made. He referred to the memo done by the Conservation Board and Open Space Committee that was submitted to the Town Board and suggested that there are areas in that memo that could be cut and pasted in the new memo. Ms. Black said that this more formal memo and hopes that it will carry more weight. Mr. Krupa said he thinks that some of these suggestions will make it on the site plan. Ms. Black said that the area is a very large property and didn't think that 72 townhouses was an extraordinary number of townhouses. She said that they are not using the contours of the land and the way they are sighted is not pleasing.

Mr. Drapeau said it seemed that there has to be an opportunity for the hotel and townhouses to be blended in a better way. Mr. Krupa said that the town and the applicant both did independent studies and they both found that this was the best proposal for this site. Ms. Black said yes, there were three studies done, two were done by the town and one was done by the applicant, and both reports said that the 150 room hotel was best number of rooms financially and for the site itself. Mr. Krupa said that Ms. Kazak agrees with that statement and this was well thought out. Ms. Black said it is not our job to weigh in on the townhouses. Mr. Benedict asked if the town needs the residential piece on this site. Mr. Krupa said that according to the studies done; yes, they do need the townhouses because of financial reasons. Mr. Benedict asked if we need this in town and referred to the Summit Club, former lumber yard, Mariani site, and this project.

2. Eagle Ridge- continued

Mr. Benedict asked if the Whippoorwills Hills project was “pitched” as a 55 aged and over complex. The Board replied yes, it was supposed to be an over 55 aged community. Discussion ensued. Ms. Black said that this is an age restricted community and only 20% of the residents can be under 55 years of age. Mr. Drapeau said that in order to meet Westchester County’s vision on what North Castle should be we need 250 more residences.

Ms. Black said that our job is to comment on environmental and open space issues. She added that we may question the need for this housing as a private citizen. Ms. Black said that the Town Board is restricting any construction for the townhouses until the hotel has received a certificate of occupancy.

Mr. Block referred to the comments made about the ridgeline and the contours. He said that one of the phrases was used under our purview is sightlines or distance. Mr. Block said that this should be used as the language in the upcoming memo. Ms. Black asked Mr. Block if he could type up the introduction and use that language in that portion. He agreed. He added that the Board is concerned about tree removal and being able to see the hotel and somewhat unsightly housing tract. Mr. Block said that he agreed with Ms. Kazak that we can do this project in an environmentally pleasing way. Mr. Krupa informed the Board that the Open Space Committee had asked for a habitat study. He said he believes that the study has not been done. Ms. Black said that we can ask for a habitat study. The Board agreed. Ms. Black said that we can mention that the representative from Kellard Sessions said how important pollinators are. Mr. Krupa said that Mr. Norden said he would send some documentation on how important pollinators are to the eco system. The secretary offered to follow up with Matt to provide that information. Mr. Drapeau offered to provide documentation that shows the importance of trees and the oxygen that they provide. Ms. Black said we can use a portion of the CB/OSC letter that was sent for to include for that.

Mr. Krupa said that a controversial issue is the use of open space on the property. He said that the town code does say that land of this size should include open space. He said that Mr. Salomone said that an easement overrides the town requirements. He said that the memo should state that there should be open space on this parcel. Mr. Benedict asked how much of a percentage would this include. Mr. Krupa tried to share the co-written Conservation Board/Open Space memo that was sent to the Town Board with the Board members. Due to technical difficulties, Mr. Krupa was unable to achieve this, so he read aloud a section of the letter that pertained to the discussion. He referred to a point made that said that “at least 50% of the site shall be preserved as open space, free of buildings and parking areas”. He added that the current plan has 26% open space areas or ½ of what the town code requirements area. Mr. Krupa said that Mr. Salomone, Esq., who represents the application, said that this irrelevant because the easement they received overrides the town code requirement for open space for this application. Mr. Krupa asked Mr. Block if he could chime in with his expertise in law on this issue. Mr. Block said that he would be surprised if a private easement overrides a town requirement.

2. Eagle Ridge- continued

Mr. Krupa said yes, he agreed. Mr. Block said to contact Mr. Baroni, Town Attorney, about this issue. Ms. Black said we can include our concern on this topic in the memo to the Town Board. Mr. Drapeau said that IBM gave a “get a free get out of jail” card for the rest of perpetuity and if anything else precluded that besides the park that was given to the town. He agreed that we should look into this with Mr. Baroni. Ms. Black said that IBM has said is that they gave the town the Community Park and this gives them the right to this override on the town code. Mr. Barnett said that he understood that IBM gave the park and the town would not make additional demands on them for open space areas. Mr. Krupa said yes, that what their argument is. Mr. Drapeau said yes, but that agreement was between IBM and the town; not for any new ownership. Mr. Block said that he was unsure if that translates to the next owner. Mr. Barnett said the deed restriction that Mr. Madonna has is that IBM has approval rights on that property. Ms. Black said that Mr. Salomone said that IBM is up to date on and has approved the plans. Mr. Drapeau said he didn’t interpret his comment in the same manner. He thought that Mr. Salomone meant that IBM said “don’t bother me until something is set in stone and we will look at it”. He added that they didn’t want many reiterations of the plan; they just wanted a finalized plan to review. Ms. Black said that Mr. Salomone said that IBM has approved the concept plan as of now. Mr. Krupa said he was under another impression on this matter. Ms. Black said that they may not have seen a specific plan but have given a “nod” to the hotel and 72 townhouses. Mr. Krupa said that the only open space preserved and proposed is 26% of the site, and he is very concerned about this. Ms. Black said yes, we can place that concern in the memo. The Board discussed what topics were needed for the memo. Mr. Krupa said the memo should include enhanced buffers, sightlines, ridgelines, views & vistas, project density, open space, habitat study, maintaining semi- rural bucolic area, 1 to 1 tree replacement, pollination, and utilization of the natural contours. Ms. Black asked Mr. Block about the language for sightlines. Ms. Krupa e-mailed the OSC/CB memo to all Board members. Mr. Barnett had to exit the meeting.

Mr. Krupa said that 239-Y is the law that protects the ridgelines. Mr. Drapeau referred to the beautification committee. Mr. Block said the language in the memo should include that the ridgelines and scenic resources should be protected. Mr. Drapeau said yes, there was a proposed pool on Middle Patent Road and the scenic roadscape. Mr. Block referred to the balloon tests and said how different it would look when the foliage is off the trees. Mr. Krupa said that Mr. Salomone said that there would be one tree on each townhouse property. He added that if there are 72 houses the planting should be integrated within all of the residential properties. The Board agreed with Mr. Krupa’s suggestion. Mr. Drapeau said yes, we will have nights with no leaves and lights on. Mr. Drapeau said that this was done nicely in the Cider Mill area. Mr. Krupa read aloud the topics that were included on the OSC/CB memo. Mr. Block said that the purview of this Board should be included in the memo. Ms. Black asked Mr. Block if he could compile an introduction to the memo. Mr. Block agreed. Ms. Black said she has a personal constraint as she will be on vacation for two weeks.

2. Eagle Ridge- continued

She asked all Board members to send in their sections for the memo as soon as possible. Mr. Krupa said we should state that there is a lot more density on this project. Mr. Krupa asked the secretary to get these numbers from Ms. Kazak, Open Space Chair.

Mr. Block said we should inquire about the open space requirement. The Board decided which topics they would contribute to the memo. Mr. Block said he would write the introduction and had to exit the meeting. Mr. Krupa said he would write about protecting scenic resources, open space, population density and pollinators. Ms. Block said she would contribute the enhanced buffers, utilizing the topography and natural contours and habitats. Mr. Drapeau said he will contribute the trees and protection of the ridgelines for the memo. Mr. Drapeau referred to town codes in Vermont. Mr. Benedict said he was unable to contribute to the memo at this time. The secretary will compile all of the topics submitted on town letterhead.

Ms. Black made a motion to adjourn. Mr. Krupa seconded the motion. The meeting adjourned at 9:45 P.M.

Julie Mucker, Secretary
Conservation Board

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