



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

17 BEDFORD ROAD  
ARMONK, NY 10504  
TEL: 914 273 0346  
FAX: 914 273 3554  
[www.northcastleny.com](http://www.northcastleny.com)

**THE 477<sup>TH</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
HERGENHAN PARKS AND RECREATION BUILDING  
40 MAPLE AVENUE  
TUESDAY, NOVEMBER 15, 2022  
7:30 P.M.**

**Corrected**

**PRESENT:** Adam Barnett; Craig Benedict; Andy Block; Jane Black, Co-Chair;  
George Drapeau III; Vincent Giordano; John Krupa, Co-Chairman; Nora Manuele; Erin  
Nenadich; Susan Roth, Kellard Sessions Consulting.

**NOT PRESENT:** José Berra, Town Board Liaison.

**GUESTS:** Dean Pushlar represented 33 Woodland Road.  
Thomas Gibbons and Dr. Sarah Ruback represented – 1700 Old Orchard Street.  
Representative cancelled – 4 Ledgebrook Place.  
Paul Dumont, Jacob Simons and Nicholas Capolla, Esq. - represented- 100 Business Park Drive.  
Aaron Steinmetz, Esq. represented- Eagle Ridge Subdivision.  
Steven Marino and Joseph Riina represented – 65 Bedford Banksville Road.  
Steven Marino and Joseph Riina and John Frye represented – 25 Edgar Road.  
Christopher Carthy represented 10 Henkers Farm Lane – \*Susan Roth presented\*.

**I. MINUTES** – Minutes of the regular meeting, which was held on October 18, 2022, were approved as corrected. A motion was made by Adam Barnett and was seconded by Jane Black. The motion was unanimous.

**II. LAND USE: ACTIVE 1. 33 Woodland Road** – Dean Pushlar represented this application, which is located at 33 Woodland Road. Mr. Pushlar stated that a site walk was done on October 28, 2022. He described the property orientation, wetland buffer, and setback areas to the Board. He said due to property constraints, the proposed pool location was the only area in which to construct the pool. He said the proposed pool would be constructed close to the existing house and a retaining wall would need to be constructed.

Mr. Pushlar said that a mitigation plan was submitted to the Board which included obligate plants. He said there will be a total of 180 sq. ft. of lawn removed and many mitigation plantings.

Mr. Krupa said that it is always a struggle to approve an amenity that is located entirely in a wetland buffer. He said as a Board we need to agree that the buffer area is being improved.

## **II. LAND USE: ACTIVE 1. 33 Woodland Road**

He said a memo written by Susan Roth, Kellard Sessions Consulting, stated that her concerns were addressed. Mr. Barnett said the site walk discussion included plantings at the edge of the pond and in contrast to the present condition of lawn, the site was significantly improved. Ms. Black said yes, our goal is to improve the water treatment impact on the wetland and buffer. She said the lawn is currently mowed to the edge of the pond and the mitigation plants are extensive and appear to improve the edge of the pond. Mr. Benedict asked where the lawn removal takes place on the plan. Mr. Pushlar showed the portion of the lawn removal to the Board. Mr. Krupa asked Mr. Roth if the application will improve the area. Ms. Roth replied yes, the water quality will be improved and the addition of the obligate plants will help. The lawn and geese add nutrients to the water and this will alleviate some of this. She said the obligates are very pretty and will grow so far and cease. Ms. Roth said the pool construction is minimal as it is an above grade pool that is a nice feature of this plan. She said all of her comments were addressed. Ms. Black said that there is a parallel between this application and one located on Maple Way, which includes less impact. Ms. Roth said there will still be impervious surfaces added but that aspect will be under the purview of the Planning Board. Mr. Giordano asked Ms. Roth if a small berm would be beneficial at the pond edge. Ms. Roth replied no, because we want the water to flow, but you want plants that will soak up the nutrient load. She described the purpose of a rain garden to the Board. She said the plants are really the "work horse" in this aspect. Mr. Pushlar said there would not be a lot of sediment runoff as the area is flat. Mr. Krupa commended Mr. Giordano's question. Ms. Roth said there is not an abundance of nutrient load from dogs or geese.

Mr. Krupa asked Mr. Pushlar for mitigation disturbance ratios. Mr. Pushlar showed the areas on the plan which included invasive plant removals. He said for quantification purposes there is a total of 10,225 sq. ft. of mitigation which includes 5,050 ft. of mitigation plants and 18,750 sq. ft. of invasive plant removals. Ms. Black asked where trees are being removed and if trees are being re-planted. Ms. Roth asked if the areas where invasive removals take place will be re-seeded. Mr. Pushlar replied yes. Mr. Pushlar said there will be 6-trees removed of which 2- ash trees are dead. Mr. Pushlar said there will be 5 trees planted. Mr. Benedict asked if there are additional ash trees on the property. Mr. Pushlar replied yes, there are more ash trees and many more trees on this property.

Mr. Drapeau asked the thought process behind the pool design. Mr. Pushlar said he had to consider the setbacks, well location, septic system location and house location for the design and pool location. He said the client wanted the pool close to the house. Mr. Pushlar said he considers sun exposure and where people will be sitting on the patio. He said he tries to minimize a large patio as he feels that it is not needed. He said for lounge chairs you would need about 11 feet and uses that as a parameter. Mr. Drapeau asked about the decision to use an above ground pool. Mr. Pushlar said this was due to the elevations and said the basement is pretty low and didn't want to go further down. He said the 4-foot retaining wall will cost more but it alleviates other issues.

## **II. LAND USE: ACTIVE- CONTINUED 1. 33 Woodland Road**

Mr. Pushlar said there are two steps, a landing, and two more steps down to get to the pool. Mr. Block said he was unable to attend the site walk and said this reminded him of a similar project located on Sterling Road, which was very divisive and asked what were the differences between the two applications. He asked if all of the concerns have been addressed. Ms. Black said that from her perspective the ultimate criteria is if there is a negative or positive impact to the buffer. She said that this design minimized the patio, brought the pool close to the house and treats the water before it enters the pond. Ms. Black said the applicant was very receptive to suggestions made at the site walk from the Board and Ms. Roth. She said an amenity in a buffer is not what the Board likes to see, but if the buffer impact is net positive, we should take that factor in account. Mr. Block asked Mr. Krupa what his thoughts were on this. Mr. Krupa commended the plan submitted by Mr. Pushlar but he said he is going to abstain. Mr. Block agreed with Mr. Krupa. Mr. Drapeau said the other application on Sterling Road had severe impact on the abutting property owners and in this instance, it didn't appear to have a lot of impact. Mr. Pushlar said that the pool location is in an existing lawn area and is already disturbed. Mr. Barnett said in relation to the other application located on Sterling Road, which was very ambiguous, this is a very visible favorable impact on the wetland. Mr. Block said that there was nothing to stop the applicant on improving the buffer on Sterling Road. Ms. Black referred to a project in 2018, which was similar to this application and was approved due to the positive impacts to the wetland. Mr. Krupa said he is very cognizant of setting a precedent. He said the plants that Ms. Roth approved around the pond will improve the wetland. Ms. Roth said yes, the obligates will improve the functionality of the wetland. She said she had told the homeowner that the sulfur smell that occurs seasonally tells us that the wetland is functioning properly. Mr. Benedict asked if back fill is being used and recommended using 50% wood chips with the fill. He said he has had favorable results. Mr. Krupa asked if a five-year monitoring plan will be placed on the plan. Mr. Pushlar replied yes.

A motion for approval was made by Jane Black and was seconded by Craig Benedict. Mr. Krupa said he will abstain as he was unable to attend the site walk. Mr. Block said he will abstain for the same reason. The motion passed.

## **II. LAND USE: ACTIVE- CONTINUED 2. 1700 Old Orchard Street – Thomas Gibbons represented this application, which is located at 1700 Old Orchard Street. Dr. Sarah Ruback, CEO, was present at the meeting.**

He said a joint site walk had been done with the Planning Board and was unsure how many members of the Board were able to attend it. He said the previous administration had done some work without a permit and a violation was issued. He said that vegetation and fill was brought onto the site and the New York State Department of Protection (NYSDEP) noticed runoff into a NYSDEP protected waterway, so a stop work order was issued. Mr. Gibbons said he procured an original survey of the site so that they could see the changes that had been made to the site.

## **II. LAND USE ACTIVE: CONTINUED – 2. 1700 Old Orchard Street**

He said the fill material which was brought in was NYSDEP approved material, but the contractor added his own C & D (construction and demolition waste) material to the site on his own. Mr. Gibbons said they have done test pits and found that the material is about 2-feet deep. He said they will be removing the material and grading the area so that it is not so steep. Mr. Gibbons said once the area is graded, they will place topsoil and hydro seed to stabilize the area. He said there is a cluster of 10 dead trees that will be removed and 7 trees will be planted. Mr. Gibbons showed the drainage area on the plan to the Board. He said the existing pipe will be redirected to the drainage swale so that the runoff drains into the swale. Mr. Krupa asked if it was a daylight drain. Mr. Gibbons replied yes. He said the NYSDEP requested the existing stone wall be re-established and restored to allow delineation. Mr. Gibbons said the mitigation amount is approximately 37,000 sq. feet. Mr. Krupa referred to Ms. Roth's memo regarding phragmites on the site. Ms. Roth said there are two areas on the site and according to the town code a wetland is categorized by vegetation or hydrology. She said she and David Sessions, Kellard Sessions Consulting, augured the site in many locations. Ms. Roth said runoff runs thru the site and the drainage area is considered a wetland. The NYSDEP was involved because they are protecting the watercourse. Ms. Roth said the wetland and buffer would be very difficult to restore. Ms. Roth said there is a large tree on the site that is surrounded by phragmites and old pictures shown on Google maps shows a flat depression or a pond. Mr. Gibbons provided old pictures of the site for the Board. Mr. Krupa said that the presence of phragmites means there was a wetland. Ms. Roth replied yes. Ms. Roth said the tree is dying as it is too wet. Ms. Roth said plantings need to be done in the discussed area on the slope as there is an immediate need to stabilize the site. She said a mitigation plan should be done. Mr. Gibbons said yes, he wanted to see what the Board wants. Mr. Krupa said the immediate concern is to stop the runoff. Mr. Gibbons said a temporary measure has been done which includes hydro seeding the area. Ms. Roth said there needs to be more measures taken as there is still runoff on the site. Ms. Roth said the C & D areas are shown and need to be removed. Mr. Krupa said yes, but this is under the purview of the Planning Board and this Board needs to see a mitigation plan. Mr. Krupa said there is "no taking the wetland back" and we need to restore the area as much as possible. Ms. Roth said yes, that is correct. Ms. Roth said water wants to have its way and it will find its way. Ms. Black said it may be helpful to have a site walk for the new members of the Board. Mr. Drapeau agreed and said he was unhappy with the quality of the soil on the site. He said he would like to know who the contractor is who did this damage. Mr. Gibbons said yes, the contractor is liable for this damage. Ms. Roth said the soils came from areas along the Hudson River. Mr. Krupa said it is not under our purview to restore the drainage area. Ms. Black agreed. Ms. Roth said John Kellard noticed the installation of the pipe and said it should be removed. Mr. Krupa said this should be done in order and that stopping the runoff is the first thing that should be done. Ms. Roth said the Planning Board has this under control. She said there is a need for a mitigation plan and in the interim making sure that the runoff is immediately curtailed. Mr. Gibbons said there is a "band-aid" on the area in question.

**II. LAND USE: ACTIVE – CONTINUED – 2. 1700 Old Orchard Street**

Ms. Roth said the wetlands on the plan need to be restored. Mr. Barnett asked how many truckloads of material was brought to the site. Ms. Nenadich said that she thought she was told at the site walk that there were 12 truckloads of material brought to the site which included 2- C & D truck loads. Mr. Barnett said there seems to be so much information missing. Mr. Krupa said yes, they will need to come back to this Board. Mr. Barnett said we owe it to the applicant to be more educated on this project. Ms. Black said a site walk is needed as there are 6 Board members who have not seen the site. Mr. Krupa said the area needs to be flagged before the site walk. Mr. Barnett said that some of this is not under our purview. Mr. Krupa agreed. Ms. Roth said that fill was brought on to the site without a permit and now this area needs to be restored.

Mr. Giordano asked when the hydro-seed was planted. Mr. Gibbons said the seed was planted about one month ago. He asked if hay bales and silt fence has been placed on the site for erosion purposes. Mr. Gibbons said yes. Ms. Roth said the site will stabilize naturally in the winter months. Ms. Manuele asked what stage the application is at with the NYSDEP. Mr. Gibbons said they last spoke in June 2022, and the concern stated by them was to stabilize the site. Ms. Roth said ponds, streams and drainage ways are all wetlands. The Board agreed that a site walk will need to be scheduled. Mr. Gibbons asked if we can talk about the mitigation plan and the next strategy at the site walk. Mr. Krupa replied yes, absolutely. The Board thanked Mr. Gibbons.

**II. LAND USE: ACTIVE- CONTINUED – 3. 100 Business Park Drive** – Paul Dumont, Jacob Simons and Nicholas Capolla, Esq., represented this application, which is located at 100 Business Park Drive. Mr. Dumont the applicant is proposing an amended site plan permit. He said this project was approved in July 2021. The applicant would like to make slight changes to the approved plan. Mr. Dumont said this property is a total of 11.26 acres and is bordered by Route 684 and the Byram River. He showed the delineated wetlands and wetland buffer on the plan to the Board. This proposal is for a 75,000 sq. ft building, accessway, stormwater improvements and mitigation. The former approval was for a single tenant use building. The new owner is proposing to use the left side which is 48,000 sq. feet, as a warehouse and the left side, as a three-tiered self-storage unit. Mr. Dumont said they have worked on the access points with the Planning Board to separate the entrances to the warehouse and storage use. He said the loading area and parking area near the wetland buffer have remained unchanged on the plan. Mr. Dumont said the mitigation plan that was approved is for 2 ½ to 1 mitigation and will remain the same. He said there will be some tree plantings. Mr. Krupa said there was a concern about tree removals. Mr. Dumont said 235 trees have been removed. Mr. Dumont said there will be no further trees removed. Mr. Barnett asked if the only proposed changes are to the parking area. Mr. Dumont replied yes. Mr. Krupa asked if arborvitae plants have been proposed. Mr. Dumont said yes, and some additional trees. Ms. Roth said yes, the arborvitae has been installed and the additional plantings can be done around them. Ms. Black said her concern is if the additional plantings could be done around the arborvitae.

## **II. LAND USE: ACTIVE – CONTINUED 3. 100 Business Park Drive**

Ms. Roth said the site is well maintained and the changes to the plan do not affect the wetland buffer. Mr. Block said there was an extensive discussion about this application at the last Planning Board meeting that he attended.

A motion for recommendation of approval was made by Adam Barnett, and was seconded by Jane Black. The motion was unanimous.

**II. LAND USE: ACTIVE- CONTINUED- 4. Eagle Ridge Subdivison** – Aaron Steinmetz, Esq. represented this application. Mr. Steinmetz stated that Kory Solomone, Esq. could not attend this meeting. Mr. Steinmetz said that he understood that site walks have been done for this site. Ms. Black said yes, several site walks have been done.

Mr. Steinmetz said they are presenting because this property is over 10 acres and is on the Open Space Index. Mr. Barnett said there is a very small wetland on the site. Ms. Black said yes, and it was not in the construction area. Mr. Barnett asked Ms. Roth what was under the scope of the Board to comment on. Mr. Krupa this is a site on the Open Space Index and this Board can comment on vistas, wildlife corridors and pollinator gardens. Ms. Black said the application is not at the site plan stage. Ms. Roth said this application has finished the final SEQR stage. She said the reason the application is before the Board is because the applicant would like to add another story to the three-story building but the overall building height won't change. She said the Town Board has stated that the three-story building will provide less impact to the surrounding area. Ms. Roth said the applicant wants to build a certain type of hotel or they won't be able to build it. Mr. Krupa said that this will not affect the vistas because the proposed height of the building will remain the same. He said the building is a four-story building within a three-story building. Ms. Black said that one of the Board's concerns with the DEIS was the impact on the vistas and if the building is the same height, it is irrelevant if it is the same height. Mr. Krupa said we can reiterate what we said to the applicant in the former approval memo. Ms. Black agreed.

A copy of the approval memo was given to Mr. Krupa. Ms. Black said the memo stated that the Board wanted to protect the scenic resources, enhancing the landscape buffer, utilize the natural contours for the development of the site, maintain the habitat, leaving 50% of the site as open space, pollinator garden, population density, protecting the ridgeline, and preserving the existing trees. Mr. Barnett asked if there was a water issue on the site. Mr. Krupa asked if we should re-send the document with a cover letter. Mr. Krupa and Ms. Black said yes, we should submit it to the applicant and to the Town Board. Ms. Black asked the Secretary to send the Eagle Ridge memo to the new Board members. Mr. Carthy asked if the meadow and a pollinator garden should be differentiated on the plan. Mr. Krupa and Ms. Black said yes. Mr. Benedict said yes, there were a lot of birds and bees on the site. Mr. Giordano said yes, the pollinator garden needs to be maintained and a meadow needs to be mowed one time per year. Mr. Benedict said that a pollinator garden should never be mowed. Mr. Carthy asked if the steep slope would be a favorable place to plant a pollinator garden.

**II. LAND USE: ACTIVE- CONTINUED – 4. Eagle Ridge Sub-divison**

Mr. Benedict said yes, once it is planted. Ms. Roth said if you want a balance of wild flowers, it would look better and it wouldn't have to be maintained as much. Mr. Krupa said some species in pollinator gardens are protected in New York State. He said he was unsure if bees are protected in New York State. Mr. Krupa said if a pollinator garden is installed on the site, it would be good for the entire community.

A motion for recommendation for approval was made by Adam Barnett, and was seconded by Jane Black. The motion was unanimous.

**II. LAND USE: ACTIVE- CONTINUED – 5. 65 Bedford-Banksville Road** – Joseph Riina and Steven Marino presented this application, which is located at 65 Bedford-Banksville Road. Mr. Riina said the application is being presented for an amended permit to allow some modifications to the property.

Mr. Riina said the area in red is the entry point which will remain the same. He said a farm stand will be located on the left which would not generate income. Mr. Riina said the garage on the right will be removed and re-constructed with a larger garage. He said Ms. Bukov, owner, would like to construct the house first. The proposed house location was shown to the Board. He said the former house had burned down. Mr. Riina said the area shown in green is the proposed paddock area along with a new barn. He showed the area for new plantings and Ms. Black asked what this area was currently used for. Mr. Riina showed the area used for plants in pots. Mr. Drapeau said it seems to be a quasi-type nursery. He showed the remaining existing areas on the site. He said the travel ways throughout the site will remain as is. Mr. Riina said the area was delineated in 2020 and a NYSDEC wetland was shown on the site. He said the orange area is the delineation that was performed. He showed an area on the plan that the owner would like to use for planting, which the NYSDEC didn't discourage. Ms. Black asked if plants were in pots or in the ground. Mr. Riina said that it is a little of both types of plantings.

Mr. Drapeau asked what the size of the proposed house is. Mr. Riina said that a plan has not been done, but a 3,000 sq. foot home was discussed along with a new septic system. Mr. Riina said that this needs to be approved first before the applicant moves on to the house construction. Ms. Black asked if the delineated wetland shown is a NYSDEC wetland. Mr. Riina replied yes. Ms. Black asked where the town regulated area is. Mr. Riina said it is the same thing. Mr. Riina said a wetland function analysis was done. He said the owner has no intention of disturbing the wetland area. Mr. Riina said the vegetation in this area is 90% knotweed. He said the area is flat and has been used for storing potted materials and parking. Mr. Drapeau asked if trucks will be entering and exiting the site. Mr. Riina said yes, small trucks will be delivering to the site. Mr. Drapeau asked if there would be excavators on the site. Mr. Riina said yes, there could be. Ms. Nenadich said there should be some delineation of the wetland. Mr. Krupa said yes, John Fava, former Chairman, recommended the use of boulders for demarcation. Mr. Riina said they are basing this application on the historic use, which was a form of a nursery.

/



## **II. LAND USE: ACTIVE- CONTINUED – 5. 65 Bedford-Banksville Road**

Mr. Giordano said the role of this Board is to protect the wetland buffer and this doesn't seem to be doing that. Mr. Krupa agreed, and said it is "very neatly done" in the buffer area. Ms. Black said this property's former use was before any wetland regulations were implemented. Mr. Riina said the applicant would like to use this area as her father had used it for the same purpose. Ms. Roth said that she had spoken to the applicant who stated that she wanted to grow her own flowers. She recommended the area be used as a pollinator garden. Ms. Nenadich said yes, this would mean there are two options that the applicant could consider. Mr. Krupa said he would not be in favor of this plan that has been submitted. Mr. Drapeau asked about the NYSDEC restricted areas. Mr. Riina said the NYSDEC said they didn't have an objection for using the historic area, but a plan would need to be submitted which would show the specifics. Ms. Black said 2/3 of the site is out of the buffer and said the areas to be used should be placed out of the buffer area. Mr. Krupa agreed.

Ms. Black asked about pesticide use. Mr. Krupa said yes, he was very concerned about this. Mr. Riina said that this was pointed out in the analysis that the use of pesticides has to be curtailed. He said they would use granular pesticides and would not use liquid pesticides and the plants would be entering and exiting the site in a quick manner. Mr. Riina said the analysis will be sent to the Board. Ms. Black asked if this was a wholesale business. Mr. Marino replied that the owner would be selling honey and vegetables. Mr. Giordano asked if a commercial operation should be run out of a home. He said there is a decent amount of property, but there will be machines that leak. The Board agreed. Mr. Giordano said there is a lot of land and maybe some changes should be made.

Ms. Roth asked the Board if a site walk was needed. Mr. Krupa said most of the Board has been to the site. Mr. Riina emphasized the photographs taken of the site. Mr. Riina said there is an existing fieldstone wall that separates the wetland from the site. Mr. Krupa said he would like for this project to "go a different way". Ms. Black said the area for the horses is very large and suggested moving the planting to this area. Mr. Giordano said yes, you can move the paddock over to the right side and place the commercial side of the business to the other side. Mr. Riina said he has heard the alternatives stated and will discuss these suggestions with his client. Ms. Nenadich asked about vistas and said that having the horses near the roadside would be more pleasing. Mr. Giordano said there are arborvitaes in the front of the property. Mr. Riina said topographically, you cannot view into the property from the roadside. Mr. Krupa said yes, this is an interesting question because this property is over 10 acres in size and this should be on the Open Space Index and doesn't think that it has been listed. He said this would open up a lot of other issues that are under the Conservation Board's purview. He said he will do a little "homework" on this. Mr. Drapeau said that any properties that have included horses have the barn and the horses located closer to the house and asked the applicant to consider this as an option. He added that this is for the horse's protection. Ms. Nenadich said yes, and this would almost equal in distance. Mr. Krupa agreed.



## **II. LAND USE: ACTIVE – CONTINUED – 6. 25 Edgar Road –**

Steven Marino, Joseph Riina, and John Frye represented this application, which is located at 25 Edgar Road. He said the applicant had contacted the building department to “clean up his file”. Mr. Frye said the analysis will get us to where we need to go. He said there are species on the site that will need to be removed. Mr. Marino said the area shown in blue is where the proposed stormwater management will be installed. Mr. Marino said that they will contact the New York State Department of Environmental Conservation (NYSDEC) once this Board has approved this application. Mr. Marino said the NYSDEC was not concerned about the disturbances to the rear side of the pond, but they were concerned about the disturbances that were beside the existing house. The NYSDEC said that they will have to go back to the state once the stormwater management systems are installed. He said that the lawn will not be mowed to edge of the pond. Mr. Marino said they will be lowering the grade of the pond as per the suggestion made by Ms. Roth to allow wildlife to exit the pond. Mr. Marino said the area on the plan shown in light green is the proposed planting area. He said the darker green areas on the plan are areas where the existing non-native plants will be removed. He said there is potential to remove several of the existing Japanese maple trees. Mr. Marino said 26 native trees and 2 shrubs will be planted in the existing grassed area. Ms. Roth asked if the area of mitigation has been quantified. Mr. Marino said no, it would be very difficult to do.

Mr. Krupa announced that Craig Benedict recused himself from this application. Mr. Krupa said trees have been donated to the town in prior applications. He said Roland Baroni, Town Attorney, has been contacted and said legally, it could be accomplished and is under the purview of the Town Board and the Park and Recreation Department. Mr. Krupa said a dollar amount needs to be decided upon and asked if Kellard Sessions Consulting could do this. Ms. Roth said she knows nothing about tree brokering and the Town Board should be contacted to see if they are interested and what they would offer. Ms. Roth said that’s why she asked if the quantification was done. Mr. Krupa said we could give a positive recommendation to allow the tree donation subject to the town review. Ms. Roth asked if a list of trees and the caliper could be submitted. Mr. Frye said yes. He said the summarizing all of this is a challenge. Ms. Roth said yes, you can look at what has been done on the site and work your way from that. Mr. Frye said that they will submit a snap shot and that is all they can do. Ms. Roth and Mr. Krupa agreed. Mr. Krupa said we should use the words “offset” instead of mitigation or any monetary fines. He said the 2 to 1 mitigation is almost impossible to determine. Mr. Marino asked if they should go thru the process of analyzing the trees or should they determine if the town wants the donated specimens. Mr. Krupa said the Parks and Recreation Department has been contacted and no reply was given. Ms. Roth said the Town Board should be contacted. Ms. Black said there should be some clarification from the Town Board. Christopher Carthy asked who would ball and transfer the trees and who would guarantee the trees. He asked if the applicant is balling the trees or if the town would hire someone to ball and plant the trees. He said there is form of risk in this. Mr. Krupa agreed. Mr. Frye said yes, there may be two lanes here with the municipal expense or the applicant’s expense.

## **II. LAND USE: ACTIVE- CONTINUED – 6. 25 Edgar Road**

Mr. Frye said that they are looking for guidance on how to proceed. Ms. Roth said that John Kellard would like the information so that he can provide guidance on the stormwater management issues. Mr. Marino said yes, this is why they have not started the NYSDEC process yet. Mr. Marino said discussion on donating the trees started because many specimen trees would be cut down. Mr. Marino said some of the trees may not be able to be moved due to the diameter of the trees. Mr. Krupa said some of the trees are non-native so the choice is to donate them or cut them down which would not be preferred by anyone. He said some of these trees could be so beautiful in our town parks. Mr. Drapeau said his inclination is to contact a broker and get some figures so that it could be presented to the town. He said otherwise we are speculating at this point. Mr. Krupa said yes, but the applicant is looking for us to make a recommendation for them to move forward. Ms. Black said yes, they are looking for a recommendation of the concept of the plan presented. Ms. Manuele said this could cost the town a lot of money. Mr. Krupa said yes, we can't make the determination for the town, but we can approve the concept. Mr. Block said he could recommend the project without a final cost. Mr. Frye said yes, we will need some figures in place for the town board. Mr. Block said yes, but the value of the trees should be known. Ms. Nenadich said that this was concept was being considered so that specimen trees are not clear cut. Mr. Krupa agreed. Mr. Krupa said this application is not being presented for "new work" it is being presented to remedy the site. Mr. Krupa said the memo should be sent to the Town Board.

A motion for recommendation for approval of the concept was made by Andy Block and was seconded by Jane Black. George Drapeau and Craig Benedict abstained. The motion passed.

## **II. LAND USE: ACTIVE – CONTINUED – 7. 10 Henkers Farm Lane - Christopher Carthy**

asked Ms. Roth to present this application. The application is located at 10 Henkers Farm Lane. Ms. Roth said the existing conservation easement was discussed and if modifications could be done. Ms. Roth said the easement can be maintained, trees removed, new trees planted, and remediation plantings and invasive removals done. She said there was a debate on what should be done and the best course of action would be to place boulders to demarcate the easement. Ms. Roth said the area can be used as mitigation. Ms. Black said at the site walk, there were boulders placed on the plan at the easement line. She said Ms. Roth recommended adding trees along the rear of the property and easement area. Ms. Roth said when she read the entire easement it does allow for certain plantings and maintenance as stated. She said discussion about the mowed area being returned to a meadow can be done once chemical use is entirely curtailed. Ms. Roth said that David Sessions had suggested the using large pollinator flowering plants. She said the invasive planting area can be planted with new plants. She said she wanted to make it clear that the new owners of this site inherited this issue. She said the prior owner removed many trees and made a lawn. Ms. Roth said reversing this process is favorable for many reasons including the protection of the Mianus River which is located at the rear of this site.

## **II. LAND USE: ACTIVE- CONTINUED – 7. 10 Henkers Farm Road**

She said the rear of the site is steep and removing the invasive plants and lawn will alleviate runoff from this site. Ms. Roth said there was an abundance of multi flora rose in the rear of the site. Ms. Nenadich asked if this would all be removed. Ms. Roth replied yes, the invasive plants will be removed and a number of maple trees will be planted in this area. She said the only bad news is that the meadow will take about three years to establish itself. Mr. Giordano asked if that area could be roto-tilled. Ms. Roth said that Mr. Sessions stated the only way to re-establish a meadow is to completely remove the lawn add soil and completely re-seed the area. Ms. Black asked if the applicant is going to agree to the suggestions made by Mr. Sessions. Ms. Roth said yes, it is a lot of work. She said the current plan is to stop using chemical in the lawn, stop mowing the area and insert taller flowering plants. She said the area will be re-forested. Ms. Black said we are dealing with two different items including a small buffer intrusion for the proposed pool and a violation for planting a lawn in a conservation easement. Ms. Black referred to a comment made at the site walk in which she stated that the disturbance to the conservation easement should not have been done and any mitigation in this area would not be mitigation, but restoration. Ms. Roth said yes. She said the area that was not turned into lawn could be restored and all invasive plants can be removed. Ms. Black asked if this could be used to quantify as mitigation. Ms. Roth said yes, and the proposed tree plantings would be part of the mitigation requirements. Ms. Black asked Ms. Roth if the submitted plans include the proposed tree plantings, invasive plant removals and quantifications. Ms. Roth said yes. Mr. Carthy said this is a tremendous improvement to the wetland and conservation easement.

A motion for recommendation for approval was made by Jane Black, and was seconded by Andy Block. The motion was unanimous. Mr. Carthy commended the Board for all of their efforts.

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

1. 1.47 Windmill Road – No discussion.

## **IV. WORK PROGRAM**

1. Website Improvements – No discussion.

2. Planning Board Report – October 24, 2022 – Andy Block attended the October 24, 2022, Planning Board meeting. A synopsis of the meeting was sent to the Board via e-mail.

2. Planning Board Report – November 14, 2022 - Andy Block attended the November 14, 2022, Planning Board meeting. A synopsis of the meeting was sent to the Board via e-mail.

3. RPRC Report – October 18, 2022 – John Krupa attended the October 18, 2022, RPRC meeting. A synopsis of the meeting was sent to the Board via e-mail.

#### **IV. WORK PROGRAM: CONTINUED**

3. RPRC Report – November 1, 2022 - John Krupa attended the November 1, 2022, RPRC meeting. A synopsis of the meeting was sent to the Board via e-mail.

#### **V. NEW BUSINESS**

1. "See Something – Say Something" – Erin Nenadich referred to the proposal located at 1700 Old Orchard Street. She said the sites' purpose is to house special needs children. Ms. Nenadich said she was hoping to provide funding to this organization on a non-profit basis. Ms. Roth said if this is done then Ms. Nenadich should recuse herself from this application. She said she thought this funding is mostly from a single donor. Ms. Nenadich said she didn't know any facts about the current funding. Mr. Krupa told Ms. Nenadich that this can be discussed further once some research is done. Mr. Nenadich said yes, she will discuss this with a Town Board member. Mr. Krupa commended Ms. Nenadich.

2. Tree Discussion – Memo to PB/TB – No discussion.

3. Submission Checklist – Homeowner Requirements - No discussion.

4. Site Walks – A site walk for 1700 Old Orchard Street was scheduled for December 2, 2022, at 10:00 a.m.

5. Planning Board & RPRC liaison lists for 2023 – The Board signed up for the Planning Board and RPRC lists for 2023.

**VI. CORRESPONDENCE & ANNOUNCEMENTS** – No discussion.

**VII. OLD BUSINESS** – No discussion.

**VIII. ADJOURNMENT** – The meeting was adjourned at 10:45 P.M.

**IX. DATE OF NEXT MEETING** – The next Conservation Board meeting will be held on January 17, 2023.

Julie Mucker, Secretary  
Conservation Board

File Name: Minutes111522