



**TOWN OF
NORTH CASTLE
CONSERVATION
BOARD**

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**THE 482ND REGULAR MEETING OF THE NORTH CASTLE
CONSERVATION BOARD
HERGENHAN PARKS AND RECREATION BUILDING
40 MAPLE AVENUE
TUESDAY, MAY 16, 2023
7:30 P.M.**

Corrected

PRESENT: Craig Benedict; George Drapeau III; Vincent Giordano; John Krupa, Co-Chairman; Nora Manuele; David Sessions, Kellard Sessions Consulting.

NOT PRESENT: Adam Barnett; Jane Black; Erin Nenadich; José Berra, Town Board Liaison.

GUESTS: Paul Jaehnig represented – 19 Jackson Road.
Blythe Yost and Hugh Harris, owner, represented- 9 Sterling Road N.
Ralph Alfonzetti and Phillip Saglimbeni, owner, represented – 2 Tripp Lane.
Blythe Yost and Jami Colombino represented – 4 Ledge wood Place.

I.MINUTES: Minutes of the regular meeting, which was held on April 18, 2023, were approved. A motion was made by George Drapeau and was seconded by Nora Manuele. All were in favor.

II. LAND USE: ACTIVE 1. 19 Jackson Road – Paul Jaehnig represented this application, which is located at 19 Jackson Road. Mr. Jaehnig asked the Board if anyone has visited the site. The Board replied no. He said the application includes the renovation of an existing house. He showed a series of photographs to the Board and handed out a small hand out of the plan to the Board. He said there is an existing looped driveway, pool and storage shed on the site. Mr. Jaehnig said the application includes three accessory structures which are located outside of the wetland buffer. He said the application is before the Board because of an “L” shaped bump out or bedroom addition to the existing southwest side of the house. He said Ralph Alfonzetti is the Engineer on this project and he has applied to the Westchester Board of Health (WBOH) for a new septic system. Mr. Jaehnig referred to the photos and said the house is going to look entirely different once the project is completed. He said there is a total of 490 square feet of disturbance within the wetland buffer. Mr. Drapeau asked how much square footage will be added. Mr. Jaehnig said he didn’t have the information available. Mr. Drapeau asked if the square footage is over 1,000 square feet and if so, this would need WBOH approval. Mr. Jaehnig replied yes, the square footage is over 1,000 square feet. He said the addition extends towards the pool and not the wetland. Mr. Jaehnig showed the Board the wetland on the western edge of the property and the manmade pond and wetland in the rear of the property.

II. LAND USE: ACTIVE- CONTINUED 1. 19 Jackson Road

He said construction will be in the current lawn area which is already a disturbed area. Mr. Jaehnig showed the fenced pool area to the Board.

He said they have proposed over 1,200 square feet of mitigation which includes trees, herbaceous plants and shrubs. He said these plants will enhance the buffer and referred to photos 6, 7 and 8 which showed this area. He said this area is infiltrated with mug wort. He showed the existing conditions, shed and open meadow area. He showed an area with rail road ties that a prior owner had installed in the wetland buffer area and said that the applicant would be happy to remove them. Mr. Jaehnig said they are proposing a variety of plants that are color coded on the plan which include red maples and bayberry. He said the plan includes notes regarding a planting plan, schedule and monitoring program. He said the plan notes a 3-year monitoring plan and will change it on the plan to a five-year plan. Mr. Jaehnig said the plan also states that there will be no pesticide or herbicide use. He said the existing house is within 50 feet from the wetland.

Mr. Drapeau asked about pervious and impervious surfaces. Mr. Jaehnig showed Cultec infiltrators on the plan. Mr. Giordano asked how the owner gets to the deck area. Mr. Jaehnig said there is a path area and assumed this would remain. Discussion ensued on types of chickens and chicken coops. Mr. Krupa what the areas of disturbance are. Mr. Jaehnig showed the area on the plan. Mr. Krupa asked if the area in question is located on a sloped area. Mr. Jaehnig replied no. He showed the Board a photograph of the area. Mr. Sessions said he observed the footprint of the addition and said you can't build an addition without disturbing an additional 5- to 10 feet beyond that. Mr. Sessions said yes, the addition is a flat area, but five feet beyond that is a sloped area. He said there needs to be a grading plan and a quantification of the disturbance shown on the plan. He said if there are any elevations and any activity beyond the footprint area it must be detailed. Mr. Jaehnig agreed with the request.

Mr. Krupa reiterated that a proper disturbance number must be submitted. Mr. Krupa asked Mr. Sessions to discuss the drainage issues that were submitted in the review memo that was sent to the Board. Mr. Sessions said the existing topography doesn't support the statement made that the drainage will flow towards the pool area. He said once the disturbance number is more realistic beyond the footprint it will make more sense. Mr. Sessions stated that Mr. Jaehnig was not in receipt of the memo as it was sent to Mr. Alfonzetti. Mr. Sessions said the stone wall bisects where the watercourse is. He briefly described what he was looking to see for the drainage portion for the site to Mr. Jaehnig and he replied that he understood what was being requested. Mr. Krupa said the buffer disturbance is minimal and if the Board agrees the applicant can work with Kellard Sessions Consulting to correct the various issues that have been discussed. He said the Board could approve the application with conditions. The Secretary asked if a site walk was needed. Mr. Krupa said he didn't think that a site walk was necessary. He added that he would like to see disturbance and mitigation quantified on the plan and is confident that Kellard Sessions can work on this with the applicant. Mr. Giordano said yes, and stated the the 2- to 1 mitigation requirements should be met. Mr. Krupa agreed.

II. LAND USE: ACTIVE – CONTINUED – 1. 19 Jackson Road

A motion for approval with conditions was made by George Drapeau and was seconded by Craig Benedict. All were in favor.

2. 9 Sterling Road N. – Blythe Yost and Hugh Harris, owner, represented 9 Sterling Road North. Ms. Yost said she was going to refer to Nathaniel (Dan) Holt's notes who was not able to attend the meeting. Mr. Krupa asked Ms. Yost to give a history of the site to the Board as there are several new members on the Board. Ms. Yost showed the Board the wetlands buffer line to the Board. She said that the application is for a new pool and a new septic system to replace an existing failing septic system. Ms. Yost said Westchester Board of Health (WBOH) has approved the proposed septic system. She said a wetland analysis was submitted that says that the wetland is not a high functioning wetland. She said the wetland is "choked" with invasive species.

Mr. Harris, owner, said he is planning on making significant improvements and had previously made improvements to the area. He said the wetland expert has designed a mitigation plan that will improve the wetland and when a former iteration of this plan was presented during 2021, the Board had stated that the mitigation plan wasn't improving the wetlands. He said he is proposing major improvements and is putting in a new septic system at his own expense. He said a total of 8,020 square feet of asphalt has been made permeable. He said a copy of the study is included. Ms. Yost stated this portion is not part of this application. Mr. Drapeau asked when this was done. Mr. Harris said this was done five years ago. Mr. Drapeau said the septic system is still degraded. Mr. Harris said yes, the septic system needs to be replaced. He said he was hoping to construct the pool in conjunction with building the new septic system as they have to cross over the septic system to reach the proposed pool location. Mr. Harris said they installed 10,000 square feet of Cultec systems or 5-infiltration units.

Ms. Yost referred to Dan Holt's notes stating the pool winterization discharge system will have a separate system unto itself. She said the proposed rain garden will be located in the rear of the pool along with a 290 sq. ft. of Trex decking. She said the wetland mitigation plan includes invasive plant removals and an extensive planting plan. She said the invasive plants will be removed by hand. Ms. Yost said a continuous line of boulders will be placed to demarcate the limit of disturbance. She said the 2-acre property has been reduced to 14,745 sq. ft. of usable space. Ms. Yost said Mr. Holt's memo stressed that the existing septic system is in failure and needs to be replaced.

Mr. Krupa asked Mr. Harris if there are any differences for the septic system. Mr. Harris said the proposed location has been moved around but this proposed location is closer to the south or Seymour Place. Mr. Harris showed the proposed leech fields and existing leech field locations on the plan for the Board. Mr. Krupa asked Mr. Sessions if his office has reviewed this application. Mr. Sessions said John Kellard has reviewed the engineering portions of this application.

II. LAND USE: ACTIVE – CONTINUED – 9 Sterling Road N.

He said in regards to the wetlands and Ms. Jaehnig's submitted report, he agrees with Ms. Jaehnig's findings. He commended Ms. Jaehnig's expertise and her use of the Hollands McGhee method. Mr. Sessions said he is very aware of the site and conditions and agrees that the wetland is not a pristine wetland. Mr. Harris said he will make the wetland pristine. Mr. Sessions said he has looked at the rain garden detail and planting list. He asked Ms. Yost to ask Mr. Holt to design the rain garden for New York State design standards. Mr. Sessions said the rain garden should have a more robust planting plan. Ms. Yost asked if these findings are in the memo. He replied yes. Mr. Sessions said the proposed witch hazel should be substituted as this plant species does not like "wet feet". He said the wetland mitigation monitoring program should be noted on the plan. Mr. Sessions stated that the owner will be responsible for making sure 85% of the specimens survive. Mr. Harris replied yes, he will be living there and wants it to look nice.

Mr. Krupa said there was opposition for a different iteration for this site in the past due to concerns over improvements to the wetlands buffer and returning it to its natural state. He said the wetland analysis is extremely helpful and thanked Mr. Harris for including this in the new submission. Mr. Harris said he was always willing to help and not to hurt as he lives there and loves the town of Armonk. He said he hopes that this is the "nail in the coffin" to help the application move along.

Mr. Drapeau asked the Board who has been to the site. He asked if the pool has been raised. Mr. Harris said the pool has been elevated slightly and moved closer to the house and integrated into the retaining wall. Mr. Krupa said the pool location has poor soils per the analysis. Mr. Drapeau asked if the owner liked the new pool design. Mr. Harris replied that it is a more difficult design and aesthetically it isn't as pleasing as the former design as you cannot walk around the new pool. He said he wanted a patio but have proposed the Trek decking instead. Ms. Yost said the new pool proposal has been significantly adjusted and is not what Mr. Harris has dreamed of. Ms. Yost said they will take this as its better than nothing. Mr. Harris said he believes they are at net zero due to the permeable additions. Mr. Krupa asked for disturbance numbers. Ms. Yost said the wetland mitigation is 60,000 sq. ft, 9,959 is the limit of disturbance and 20,478 sq. feet of invasive plant removal. Ms. Yost said all invasive plants will be removed by hand.

Mr. Giordano said in reading thru the history there seemed to be a lot of runoff that cuts thru this site from Seymour Place. He said he is concerned that the owner will spend a tremendous amount of money and it will be washed away in a significant rain event. He asked if there was any thought to installing a retention basin. Mr. Harris said there have been curbs and catch basins installed in front of his and his neighbors house as well as the road has been paved. Mr. Giordano reiterated if a catch basin should be installed. He added that he has not seen the site. Mr. Harris said he is capturing a lot of the runoff on his property. Mr. Sessions said there isn't an opportunity to install something like that on the site. Mr. Harris said the curbs have helped tremendously. Mr. Sessions agreed. Mr. Krupa asked how this happened. Mr. Harris said his neighbor contacted the town.

II. LAND USE: ACTIVE- CONTINUED 2. 9 Sterling Road N.

Mr. Harris said it was a big undertaking by the town and has worked out nicely. Mr. Giordano said he would hate for the owner to go thru all of the expense and have the property be ruined to a rain event. Mr. Harris said he thinks that all of the runoff has been mitigated and condensed. Mr. Benedict referred to the mentioned runoff over a section of the curb. Mr. Harris showed the area on the plan to the Board. He said it has been significantly altered. Mr. Krupa asked the Board if they would like to schedule a site walk. Mr. Giordano said he would like to see the site. Ms. Manuele said she didn't think it was necessary. Mr. Krupa said that Mr. Drapeau had some great ideas about the site after seeing it visually. Mr. Krupa commended the revised submission. Ms. Yost said this will give Mr. Holt some time to revise the rain garden details. The Board agreed that a site walk was needed.

3. 2 Tripp Lane – Ralph Alfonzetti and Phillip Saglimbeni, owner, represented this application, which is located at 2 Tripp Lane. Mr. Alfonzetti said trees were cut down in 2020 and the owner did not know there was a wetland in that area. A stop work order was issued by the Building Inspector. Mr. Alfonzetti said the wetland has been flagged by Michael Nowicki. He said the wetland was re-flagged by Mary Jaehnig as a result of Kellard Sessions not agreeing with the initial flagging. He showed the Board the stone wall on the plan. He referred to a mitigation plan that was submitted in 2021. Mr. Alfonzetti said the area has become overgrown.

Mr. Saglimbeni said he is a 30-year resident in town and his property fronts Route 22 and there was 30 years of debris and garbage on their property from the roadway. He said he conferred with his landscaper who said not to take out anything over a certain caliper. Mr. Saglimbeni said Mr. Melillo, Building Inspector, was inspecting a project across the street and entered his property and stopped the tree cutting as it was in a wetland. Mr. Saglimbeni said he is not trying to build anything and is happy to restore anything that the Board suggests. He said this has been a long process and said the Planning Board has been helpful and the Building Inspector has fined him as a result of not addressing the replanting in a timely manner. Mr. Saglimbeni said the area is very dense and has been undisturbed for 30-years. Discussion ensued on fill brought onto the site. It was found to be an error as it was the neighboring property. Mr. Giordano asked if the soil has been tested. Mr. Alfonzetti said they went back into the files and found that yes, the soils have been tested and approved.

Mr. Alfonzetti said the property is manicured. Mr. Benedict asked what had been dumped on the property. Mr. Saglimbeni said there has been garbage bags dumped on his property. Mr. Krupa asked how many trees were cut down. Mr. Saglimbeni referred to a survey done by Merriots and Associates that showed stumps and downed trees and he said he was unsure of how many trees. He said the survey shows 3 tree removals in the wetland and 10 tree removals in the buffer area. Mr. Krupa asked how many trees will be replanted. Mr. Alfonzetti said the plan includes 3- red maples, 2 yellow birch and east and red cedars for a total of 8 trees. Mr. Krupa asked if more trees can be added to the plan. Mr. Saglimbeni said he was unopposed to the suggestion, but reiterated the area is very dense.

II. LAND USE: ACTIVE – CONTINUED 3. 2 Tripp Lane

Mr. Krupa said there is not a formal town code, but the Board would like for the mitigation plan to be a 1 to 1 ratio. Mr. Saglimbeni said Ms. Jaehnig recommended removing invasive plants. Mr. Krupa said planting in the buffer area is disturbance but he would like to see the buffer and wetland restored. Mr. Saglimbeni said he does not have an issue with planting any additional trees. Mr. Benedict said 2 ½ caliper trees would be acceptable. Mr. Drapeau said that adding the additional plants will be favorable for him. Mr. Krupa said a memo will be sent to the Planning Board.

Mr. Sessions asked if a patio was previously constructed. Mr. Saglimbeni said yes, it was constructed and will be included and hopefully approved along with this mitigation plan. Mr. Sessions asked about the invasive plant removals. Mr. Alfonzetti said there are many tree stumps and branches and they would like to remove these. Mr. Giordano said tree stumps and downed trees are good for the wildlife and can look “ok” visually to a degree and asked how bad the area looks and wondered if the site should be left “as is” versus bringing machinery on the site. Mr. Benedict said yes, it would be better to leave them as is. Mr. Alfonzetti said in terms of machinery there are stacked pine trees and the idea was to pull them out. Mr. Benedict said yes, he is in favor of leaving it. Mr. Alfonzetti said he was fine with this. Ms. Manuele said she was in favor of not bringing in machinery because it would disturb the site more.

Mr. Sessions said the trees will need to be transported. Mr. Alfonzetti said he will use a tree cart. Mr. Krupa said yes, and this will be part of the recommendation. Mr. Sessions said yes, but stated the terrain is tough. Mr. Alfonzetti said yes, the area is tough and is hard to walk through. Mr. Krupa said we need to be careful because of the wetland. He said this could be handled without doing more damage. Mr. Benedict said yes, this can be done by hand. The Board agreed that the planting and invasive removals should be done by hand. Mr. Sessions said we have about 13 trees that will be planted and these need to be irrigated. Mr. Giordano suggested planting the trees in the fall. The Board agreed.

Mr. Krupa said the Board has recommended hand planting, planting done in the fall, 5 - year maintenance plan, native small caliper trees, larger caliper preferred, but the option is for the landscaper to decide, and a total of 13 trees to be replanted.

Mr. Sessions said the applicant should make sure to irrigate the trees. He said after 5-years the goal is to have an 85% survival rate of any plantings. Mr. Saglimbeni said he was worried about the area getting overgrown. Mr. Sessions said native trees such as river birch, red maple, pin oaks would be favorable and to use mulch. Mr. Sessions said to use mulch in the first six months of planting.

A motion for recommendation was made by Craig Benedict and was seconded by Nora Manuele. All were in favor.

II. LAND USE: ACTIVE – CONTINUED

4. 4 LedgeWood Place -Blythe Yost and Jamie Columbino represented this application, which is located at 4 LedgeWood Place.

Ms. Yost said the revised plans include 42 tree plantings and seed mixes. She said the invasive plant removals will be done by hand. She said the pool location has been placed on the plan. She said mitigation on this site is very “tricky”. Mr. Krupa asked how the 42 trees will be planted on the site. Ms. Yost said yes, she agreed, but the Board had recommended a 1 to 1 tree planting for the 42 trees that were removed. Mr. Krupa said he didn’t think the trees would survive. Ms. Yost said soil will need to be brought onto the site. Mr. Benedict asked if the rock will be buried. Ms. Yost replied yes. Mr. Giordano said if the stumps were removed it could be viable. Mr. Benedict said yes, possibly. Mr. Benedict said ash trees were removed and seeds could be used in the pockets. Mr. Benedict asked about the plantings in the grassy area. Ms. Yost said we can find a home for 42 trees on this site, but it will require site specificity. She said they can bring in soils and find a home for these trees. Mr. Benedict said the plethora on the plan will not survive. She said she will bring in soils and is doing what the Board had asked at the last meeting. Ms. Yost said whatever the Board suggests the owner will comply with. Mr. Drapeau asked if offsite mitigation can be done. Ms. Yost said they would be happy to comply with that request. Mr. Drapeau suggested planting half of the trees required on this site and then see where the remaining trees could be planted off site. Ms. Yost said the bulk of the trees can be planted on the site with a balance of about 8 trees. Mr. Sessions said if the existing conditions will not allow plantings, we can resort to mountain laurel. Ms. Yost said she was worried about deer denigrating the site. He said you may not know where the trees and plants can go until you are at the point of planting. Ms. Yost said the invasive removals are a huge component on this site. Mr. Benedict said yes, once the invasive plants are removed it may be easier to see where the plants should be placed. Mr. Giordano said tree placement could be met or have the applicant contribute towards the town bank fund. Mr. Sessions said it could be done on site once the invasive plants have been removed. He said this site is a very unique situation and stressed that if we are really just trying to get to a number, we need to explore options. Mr. Benedict said we really cannot know until the property is cleaned up. Mr. Sessions agreed. Mr. Krupa said he is in favor of the 1 to 1 ratio requirements but it may not be possible for this site. He briefly discussed an area in Nova Scotia where large trees that perished were not being replaced. Mr. Giordano asked if this could set a precedence in the future. Mr. Krupa said there is no tree code yet.

Mr. Drapeau asked about the area beside Hunting Trail and the runoff from this site that impact homes on Hunting Trail. He asked if trees could be planted here to capture some of the runoff. Ms. Yost said yes, it would require some disturbance to get to this area. Ms. Yost said this area slopes down and showed the area on the plan. Mr. Drapeau showed the open area on the plan. Mr. Krupa said he didn’t see any substantial tree survivals on this site. He commended Ms. Yost for trying. Mr. Giordano said yes, trying on paper, but the plants need to survive. Mr. Benedict said there is potential for tree plantings near the pond.

II. LAND USE: ACTIVE – CONTINUED – 4. 4 Ledgewood Place

Mr. Giordano said a meeting could be planned at the site once the plant removals have taken place. Mr. Krupa said the recommendation could say “due to unfavorable site conditions, we are going to proceed with the plantings once the area has been cleared of invasive plants”. He said we need to see what the site looks like and not to be silly here. Mr. Krupa reiterated that we need to do the best we can here and we need to see the site and then come up with a “plan B”. Ms. Yost said the Board can come to the site once it is removed for a discussion. Mr. Drapeau said we can do some research on what other communities do to resolve issues like this. Mr. Sessions said there can be several site visits to monitor the site as construction convenes and then we can decide where the best planting locations are. He said this is morphing into a field change as we go along. Mr. Krupa asked how this would be stated in a recommendation. Mr. Sessions said the intent is to plan 42 trees and we will have to see how this goes once construction and plant removals take place. Mr. Giordano agreed. Mr. Krupa said the starting point could be to plant 42 trees and then do field inspections as the project proceeds. Mr. Sessions said if the site cannot accommodate 15 trees, then the applicant can submit a plan “B”. Mr. Krupa said the former plan submitted can be used for this. Mr. Sessions asked about tree plantings in different locations. Ms. Yost said she didn’t think there could be different locations. Mr. Benedict reiterated that this plan looks good, but only on paper. He added the invasive plant removals and tree stumps should be removed and we can get a better perspective. Mr. Sessions said we can approve this in phases. Mr. Krupa loved this idea. The Board agreed. Ms. Yost agreed. Mr. Giordano asked about the grass area and using plugs instead of seed. Ms. Yost said the seed mix will grow very fast. Ms. Yost said she is in favor of doing the plantings in phases. Mr. Krupa said he is in favor of this and was very uncertain how to proceed and setting a precedent that the Board does not want. Mr. Krupa was in favor of Mr. Sessions suggestion to do this in phases. Ms. Yost said yes, she agreed. Mr. Giordano said phase one is to clean up the site and then see if 42 trees can be planted then the applicant does not need to come back to present to the Board. Mr. Krupa stressed that the memo must state “due to unfavorable site conditions” and wanted this put on the record. Mr. Krupa said Kellard Sessions will be involved in this process. Mr. Krupa said if the applicant does not meet the 42 tree plantings, they will need to come back with a new plan. Mr. Krupa asked about the 5-year maintenance plan. Mr. Sessions said the maintenance plan needs to have 85% of the plants to survive. Mr. Giordano asked how the applicant is accountable. Ms. Columbino said the Planning Board is still involved. Mr. Krupa said there is a bond in place. Mr. Drapeau said in other communities the owner could not sell the property until the conditions have been met. Ms. Yost said yes, there is a certificate of occupancy involved.

A motion was made by George Drapeau and was seconded by Vincent Giordano. All were in favor of the motion.

III. LAND USE- PENDING

1. 1.65 Bedford-Banksville Road - No discussion.
2. 25 Edgar Road – No discussion.
3. 1700 Old Orchard Street – No discussion.

IV. WORK PROGRAM

1. Planning Board Report - Jane Black attended the April 27th Planning Board meeting. Ms. Black sent a synopsis of the meeting to the Board via e-mail.
2. Planning Board Report – Nora Manuele attended the May 8th Planning Board meeting. Ms. Manuele said projects presented included 47 Windmill Road, 8 East Lane and 33 Bayberry Road.
3. RPRC Report – George Drapeau attended the May 2nd meeting and May 16th RPRC meeting. He said they discussed the upcoming tree code changes and said the RPRC members present are clamoring for new tree codes. He said he would send a synopsis of both meetings via e-mail.

V. NEW BUSINESS

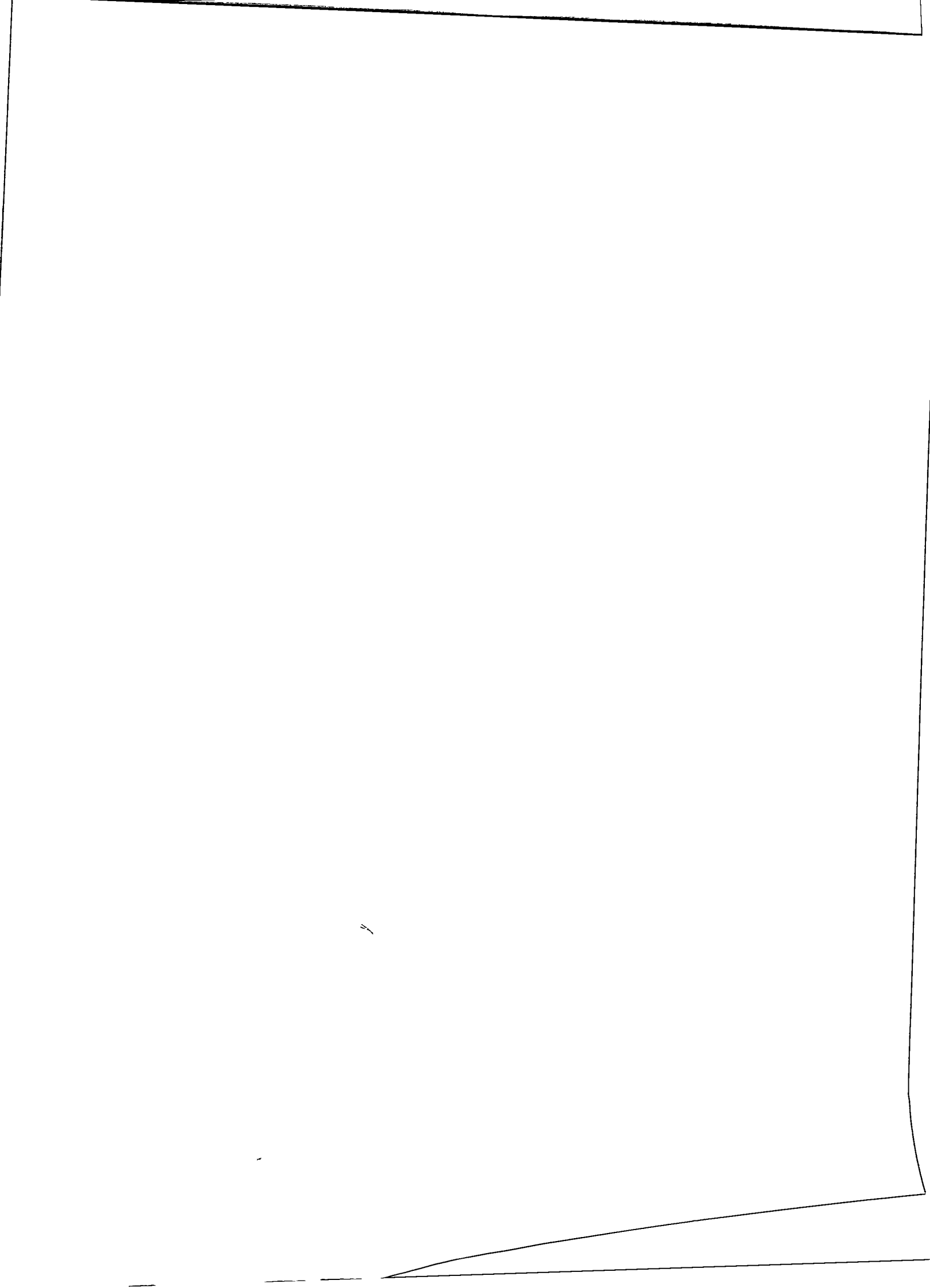
1. "See Something- Say Something" - Mr. Giordano asked if Con Edison can remove trees without a permit. The Board replied yes. Mr. Drapeau brought up lighting on residential properties. He said there has been a memo drafted by Adam Kaufman, Town Planner, that will have a lighting curfew. The Board heartily agreed with this.

VI. CORRESPONDENCE & ANNOUNCEMENTS - No discussion.

1. Site Walk – A site walk for 9 Sterling Road North was set on May 24th at 6:30 P.M.

VII. OLD BUSINESS

1. Tree Codes- Discussion – Meeting dates were discussed for tree code changes.
2. Pamphlets - No discussion.
3. End of Year (EOY) Report – Mr. Krupa said he will be submitting the End of Year Report to the Town Board.
4. Website Improvements – No discussion.



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VIII. ADJOURNMENT – A motion to adjourn was made by Craig Benedict and was seconded by Nora Manuele. All were in favor. The meeting ended at 10:10 P.M.

IX. DATE OF NEXT MEETING: June 27, 2023.

Julie Mucker, Secretary
Conservation Board

File Name- the 481st regular meeting.

