TOWN OF
NORTH CASTLE
CONSERVATION
BOARD

17 BEDFORD ROAD
ARMONK, NY 10504
TEL: 914 273 0346
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DATE: November 29, 2022

MEMO TO: Michael Schiliro, Supervisor
& Town Board Members

FROM: Jane Black, Co-Chair
John Krupa, Co-Chairman
Conservation Board

RE: Eagle Ridge Sub-division
3 North Castle Drive
Sec. 118.03, Lot 1 Block 62.1

The representatives for this application appeared before the Conservation Board at its regular meeting held on November 15, 2022. The application was previously approved in July 2021. The applicant proposed changes to the number of stories of the building. The stories of the building itself would change, but the height of the previously approved building would remain the same.

The Conservation Board recommended approval for this application and has asked for the previously approved memo submitted in July 2021, be attached for your review.

JM/JB/JK

cc: K. Solomone, Esq.
R. Baroni, Town Attorney
A. Simon, Town Clerk
Conservation Board

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DATE: July 13, 2021

MEMO TO: Michael Schiliro, Supervisor
& Town Board Members

FROM: Jane Black, Co-Chair
John Krupa, Co-Chairman

RE: **Eagle Ridge**

This report is being submitted by the North Castle Conservation Board. Section 239-y of New York State (NYS) General Municipal Law sets forth the general powers and duties of the Conservation Board. Section 3 of that law provides that in order for the Conservation Board

"To further assist a city, town or village in the development of sound open area planning and assure preservation of natural and scenic resources on the local level, a conservation board shall:

a. Review each application received by the local legislative body or by the building department, zoning board, planning board, board of appeals or other administrative body, which seeks approval for the use or development of any open body within forty-five days of receipt of such application. Such report shall evaluate the proposed use or the effect of such use or development on the open space index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas and conservation.

The Conservation Board was recently formally included in the review of the Eagle Ridge project, which is one of the preeminent and most environmentally important properties on the Town of North Castle Open Space Index. The Town Board (the lead review agency for this project) in a memorandum dated June 9, 2021, made a referral for the input of the Conservation Board relating to a rezoning application for the Eagle Ridge project. The Town Board further agreed that going forward; the Conservation Board will be included in the review of future applications relating to the Eagle Ridge property, as required by the above cited NYS General Municipal Law. In accordance with the June 9, 2021, referral, the Conservation Board has the following comments, and reserves its rights to further comment pursuant to its general powers and duties as set forth above.

Following a site walk and careful evaluation of the Eagle Ridge proposal, the Conservation Board would like to offer the following recommendations to the Town Board:

Protecting Scenic Resources – The Conservation Board strongly feels that the consequences of the building and development at Eagle Ridge, as now proposed, would be the permanent elimination of scenic resources, sightlines, views and vistas. Once lost, these invaluable resources "the very qualities that make the hamlet of Armonk so desirable" including its bucolic and intangible village character, would suffer immeasurably and be irreparably diminished.

The New York State Department of Environmental Conservation published "Scenic Resource Guide for the Hudson River Valley". This document speaks of the value of preserving scenic resources for a multitude of reasons, for generations to come. The document stresses that when such scenic resources are gone, it is very difficult and costly to replace them. It is the belief of the Conservation Board that the applicant is more concerned with the views from the development and is less concerned about the important views of the development. The proposal would thus place residences at a site on a bucolic hillside with a view of the town below meanwhile, the view from town, currently a pastoral hillside, would include numerous manmade structures. It is the recommendation of the Conservation Board to protect and preserve the natural beauty of the site by incorporating the new construction into the setting and by limiting the disturbance to the scenic backdrop. The Conservation Board also believes that the proposed current siting of the hotel will block much of the natural beauty that residents and visitors now enjoy driving along Route 22, Route 128, the Community Park, and from vistas at greater distances in the hamlet. The Conservation Board believes that the residential development has the possibility of doing the same. We believe that the developers should ensure that the new development is incorporated into the natural surroundings.

Enhanced Buffers – Given the potential visibility of the project and the large amount of tree removal, the Conservation Board recommends enhanced buffer screening in three locations, between IBM and the new development, between the proposed hotel and Route 22, and between the proposed hotel and the Community Park. It appears that significant tree removal will take place between the hotel and Route 22, and the Board hopes to see this wooded buffer enhanced with additional replacement trees.

Utilizing the topography and natural contours of the land – Both the plans and the 3D rendering of the townhouse development show the homes lined up in uniform rows that do not reflect the semi-rural character of the town. The Conservation Board noted that the multi-unit developments of Whippoorwill Ridge and Whippoorwill Hills, in contrast, have curved roads that site the homes within the natural contours of the landscape. The Conservation Board recommends a less rigid placement of the townhomes that better reflects the bucolic nature of the community.

Habitat – The FEIS indicates the removal of 658 trees as well as development in areas that currently serve as meadows teeming with wildlife. In order to maintain the habitat and its vital role in slowing the destructive effects of a changing climate, the Conservation Board recommends that a 1:1 tree replacement plan be used to mitigate some of the negative effects on the habitat. All replacement plantings should be native species.

Open Space – Town Code 355-24.F requires that "at least 50% of the gross area of the site [of proposed multifamily residential developments] shall be preserved as open space, free of buildings and parking area…" The Conservation Board does not believe that the Eagle Ridge project proposal has met those requirements. The plans are deficient and require remediation as only 26% of the land in this proposed development is set aside for open space. The applicant has stated to the Conservation Board meeting that a deed amendment between themselves (Madonna LLC) and the previous owner (IBM) supersedes town code on this requirement, but the Conservation Board vehemently disagrees with this assertion. The Conservation Board has requested to see such a document but have yet to be presented it. We believe that no covenant between private entities mandates which are Cleary expressed in town code.

Pollinators – The Conservation Board and wetlands consultant observed, firsthand, a large number of pollinators at the proposed construction site, to a degree not seen elsewhere in any of North Castle. There is no other meadow site as large with as many wildflowers within North Castle. Many species of pollinators are flourishing in this area. As stated in *The Nature Conservancy's* article of April 9, 2020, ("The birds and the bees" by Chris Helzer), "Pollinators help plants create the fruits and seeds that power eco-systems. Those fruit and seeds are critical food sources for animals, and they allow plant species to survive and reproduce. This enables diverse plant communities that are a key to the survival and resilience of entire ecosystems". The loss of these pollinators would be detrimental to the eco-system of North Castle. One of the greatest threats to the pollinators (as stated in the article) is the fragmentation of their habitat, which would be a consequence of this proposed development. The Conservation Board strongly recommends preserving a large (non- fragmented) open space wherein the habitat would be attractive to and conducive to maintaining the pollinator populations at their current levels.

Population Density – The Conservation Board believes the population density in the proposed residential section of the development is too great. When compared to similar developments, such density levels have not been approved by the Town Board. Whippoorwill Hills has 150 housing units on 82 acres for a ratio of 1.8 units per acre. Whippoorwill Ridge has 55 housing units of 24 acres for a ratio of 2.3 units per acre. Both of those developments are in more residential sections of North Castle where a higher population density may be more in keeping with the surroundings. In contrast, Eagle Ridge has 72 units proposed on 21.8 acres for a density of 3.3 units per acre in an area where there are no neighboring residential units for some distance. The Conservation Board believes that the density ratio should be less than those other two developments— and certainly no greater than Whippoorwill Hills and Whippoorwill Ridge residential communities.

Ridgeline Protection – Town Code: 355-18 Hilltops, Ridgelines and Steep Slopes- "The verticality of steep slopes, and the elevation and visibility of hilltops and ridgelines, makes them significant visual features of the landscape, thereby contributing to North Castle's attractive semirural character and property values" . To quote further Town Code: "In any zoning district, no steep slope area, as defined herein, hilltop or ridgeline shall be disturbed in any manner, except as may be necessary to protect life or property in the event of an emergency…"
To quote further, "The removal of vegetation or the construction of buildings or other structures in publicly visible locations on hilltops or along ridgelines shall be permitted only if the natural visual quality of such features is appropriately protected, as determined by the approval authority".

The Conservation Board urges that this important ridgeline be protected in view of its significant contribution to the character of the town. Threats in the form of visually intrusive commercial development take on a greater concern and urgency when it comes to ridgelines along the proposed Eagle Ridge development site. In the truest sense of the word, this is a "high profile" ridgeline and is widely visible at both nearby locations and at farther distances.

Trees – "The Town of North Castle finds and declares that the preservation of trees is necessary to protect the health, safety and general welfare of the Town of North Castle because trees provide shade, impede soil erosion, aid water absorption and retention, inhibit excess runoff and flooding, enhance air quality, offer a natural barrier to noise, provide a natural habitat for wildlife, provide screening, enhance property values and add to the aesthetic quality of the community" .

The Conservation Board recommends ensuring and promoting preservation of the existing tree canopy cover along streetscape/sightlines from IBM entrance on Route 22 to Business Park Drive, through Route 128/Main Street and from IBM Community Park.

The Conservation Board recommends encouraging significant tree retention and relocation through innovative site planning that is responsive to existing vegetation to preserve a greater percentage of the 600 plus trees now proposed for removal.

The Conservation Board insists that the applicant provides a comprehensive plan of all of the trees or groups of trees (provided by a stamped landscape architect, professional engineer or land surveyor in the State of New York) to be preserved on a project site.

The Conservation Board recommends establishing mitigation and replacement standards of one-to one for trees permitted to be removed.

Benefits of Trees to the Town of North Castle

- The planting and maintenance of trees have a direct relationship on the health, safety, beauty and welfare of our community.

- Trees return needed oxygen and water to the atmosphere to reduce air temperature and combat rising are temperatures.
- Trees absorb CO2, and other pollutants and breathable particular matter.
- Trees stabilize soil and reduce erosion and flooding.
- Trees offer a natural barrier and lessen impacts of wind and noise.
- Trees protect other trees by forming elaborate defense mechanisms to combat invasive organisms and insects, and deter destructive creatures like caterpillars (by flooding their leaves with tannin)
- Trees provide shade; reduce the need for air conditioning.
- Trees provide vital links to the natural world by softening the hard edges of developed areas likely to undergo dynamic change like Eagle Ridge.
- When infestations are particularly severe, some trees communicate these threats, and some trees release chemicals to warn other trees that an attack is underway.
- Trees enhance the beauty and appearance of the Hamlet of Armonk.

Negative Impacts Due to Loss of Trees in a Community

- Excessive cutting of trees and damage to trees for subdivision creation on private property cause barren and unsightly conditions.
- Indiscriminate tree removal increases surface drainage problems thereby increasing municipal expense to control drainage, impairs ground stability and may increase municipal expense to control these adverse consequences, which would adversely affect the health, safety and welfare of the inhabitants of the Town of North Castle.

CB/JAM
Respectfully Submitted by the Town of North Castle Conservation Board
Jane Black, Co-Chair
John Krupa, Co-Chairman
Adam Barnett
Craig Benedict
Andy Block
George Drapeau III

cc: R. Baroni, Town Attorney
A. Simon, Town Clerk
A. Kaufman, Town Planner
J. Cermele, Town Engineer