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DATE: October 20, 2022

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

TO: Christopher Carthy, Chairman
& Planning Board Members

RE: **Wetland Permit Approval**
Fidziukiewicz
84 Round Hill Road
Sec. 102.03, Blk. 1, Lot 39

The 2.85- acre property is located within the R-2A Zoning District and is developed with a single-family home. The applicant initially received Residential Project Review Committee (RPRC) approval on August 28, 2019, for the renovation of the existing single-family home and associated improvements. Based on the 2019 approved plans, an Administrative Wetland Permit was not required. During construction, disturbances within the Local and State wetland buffers occurred. The owner received violations for disturbances within the wetland buffer on December 30, 2021. The applicant is currently before the Planning Board for a Wetland Permit to remediate the disturbance and other actions that occurred during construction and was then referred to the Conservation Board for review.

The applicant and his representative first appeared before the Conservation Board on July 19, 2022, for remediation of disturbances to the wetland buffer that occurred during construction without appropriate permits as required in Chapter 340, Wetlands and Watercourse Protection. The pond at the edge of his property is also a NYSDEC wetland and required resolution of a violation of NYSDEC regulations. Prior to meeting with the Conservation Board, the applicant contacted NYSDEC, and prepared a Landscape & Wetland Buffer Mitigation Plan which had been accepted by the New York State Department of Environmental Conservation (NYSDEC) as mitigation for the project's violation of NYSDEC regulations. The applicant initially offered this plan to the Conservation Board for approval. However, the proposed mitigation plan did not meet the requirements of Chapter 340 for mitigation of disturbance within the buffer, namely, there were areas outside the buffer areas that had been planted and offered as mitigation. These areas were also areas that were bermed or on areas of significant fill.

The applicant met with the Board for a site visit on July 29, 2022, and discussed potential mitigation strategies that would be Code compliant. The applicant agreed to revise the mitigation planting plan in accordance with the Conservation Board's recommendations, and last

appeared before the Board on October 18, 2022, and received final approval of the planting plan. The Conservation Board also recommended that the applicant confirm the acceptance of the plan with NYSDEC, although elements accepted by the NYSDEC have not significantly changed and the new mitigation plan will have significantly more benefit than the initial plan that was offered as mitigation.

In addition, we recommend that the second sheet, entitled "Mitigation Notes", which appears to be based on the NYSDEC memorandum of agreement, be removed from the plan set. We recommend adding a note to state that the Town of North Castle Wetland Permit Approval supersedes NYSDEC Approval, as long as the approval does not conflict with NYSDEC. The Town of North Castle reserves the right to enforce local laws regarding maintenance, installation, and bonding of a wetland plan.

The Conservation Board also recommends that the applicant be subject to a long-term monitoring plan.

JM/JB/JK

cc: T. Fidziukiewicz
A. Kaufman, Town Planner
R. Baroni, Esq.
S. Roth, Wetlands Consultant
A. Simon, Town Clerk
J. Berra, Town Board Liaison
Conservation Board