

**CONSERVATION BOARD
MINUTES OF MEETING
OCTOBER 14, 2008**

The October 14, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Shoshana Hantman, Dr. Frank Lapetina, Dr. Edward Merker, James Moriarty, Gary Meixner

Absent: Gloria Rosenzweig

Guests: **Herbert Lukas**/Associate Planner,
Westchester County Dept. of Planning

Announcements:

The C.B. invited Mr. Herbert Lukas to attend this meeting and discuss JFK High School/St. Joseph's Church on Rte. 138 and the Trailway.

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Approval of Minutes:

A motion was made by Dr. Frank Lapetina and seconded by Shoshana Hantman to approve the minutes of the September 23, 2008 regular meeting of the Conservation Board. All members present approved.

Old Business:

- A) Crecco/Wetland Activity/Erosion & Sediment Control/Tree Preservation Permit Applications for 3 Lots, Site Plan/Planning Board, Section 28.17, Block 1, Lot 16, Section 28.18, Block 1, Lot 20 and 21, Create access through wetland buffer for driveway to future residence, Construction of single family residence, septic, well and driveway in R-80 Zone, Constraints Map, Profile and Details, Stormwater Treatment Details dated September 9, 2008, Prepared by Bibbo Associates, LLP, Other – ESC, SEAF and Tree Removal Permits, (Young Road, 1500-ft. north of Elmer Galloway, off Rte. 100): (GM/SH)

The Conservation Board tabled the review of the above Planning Board application for Crecco wetland activity, erosion and sediment control and tree preservation permits at their meeting.

Board member Shoshana Hantman and Chairman Gary Meixner were not able to get together and perform a site inspection of the above application for Crecco.

C.B. secretary Ms. Davis explained to the Board that the Planning Board is awaiting a memo on this application as soon as tomorrow night.

After some discussion on the matter, it was decided that a report would be forthcoming at the next Conservation Board meeting.

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Old Business:

A) Crecco/WAP: (cont'd)

Ms. Davis asked Mr. Moriarty if he would be able to go along with Ms. Hantman for a site inspection.

Mr. Moriarty said that he would be able to help, but Sunday is his only available day for such activity.

Ms. Davis asked Ms. Hantman to give Mr. Moriarty a call over the weekend.

The Board members took no further action at this time.

B) Meadow Ridge Homes/Fernando & Tara Marques Lot Line Change dated July 15, 2008, revised July 18, 2008, Preliminary Subdivision/Planning Board, Prepared by Bibbo Associates, Donnelly Land Surveying, (off Rte. 6, Windsor Farms Subdivision): (GR)

The Conservation Board discussed the above Planning Board application for Meadow Ridge Homes/Marques lot line change, preliminary subdivision at their meeting.

Board member Gloria Rosenzweig was not able to attend the meeting tonight to give her report; however, she dictated one to the C.B. secretary Ms. Davis for the Board's review.

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Old Business:

B) Meadow Ridge Homes/Lot Line: (cont'd)

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Report:

- Board member Rosenzweig performed the site inspection on October 2, 2008.
- Ms. Rosenzweig noted that there are two cul de sacs in area of both lots being considered for a lot line change.
- She noted that one of the lots is already developed while the other lot is undeveloped land.
- Ms. Rosenzweig explained that the applicant is squaring off their property, but she did not know why.

Subsequently, C.B. secretary Ms. Davis checked with Ms. Wendy Getting in the Planning Office and found out that the applicant wanted to add space to the play area for their children, which is located in the backyard.

- Ms. Rosenzweig noted that there were no Wetland or Tree issues directly involved with the lot line change.
- However, she mentioned that for future reference the C.B. should be aware that there are large specimen trees on the lot that is going to be developed.

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Old Business:

B) Meadow Ridge Homes/Lot Line: (cont'd)

- Board member Rosenzweig specified that the properties in question (both lots) are flat with no steep slopes (or wetlands).
- Ms. Rosenzweig mentioned during her report that she did not know if the same person was the owner of both lots.

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Board member Charles Friedberg questioned what he thought was an ambiguity in the report generated by Ms. Rosenzweig and he questioned the C.B. secretary Ms. Davis as to clarity.

Ms. Davis said that Ms. Rosenzweig just wanted to alert the C.B. that there are large specimen trees located on the property, but they had nothing to do with the lot line change. She only wanted the C.B. to realize that they are there in case the applicant comes before them for a tree preservation permit.

The Board members discussed the application among them and decided that no memo was needed as the Planning Board approved the application recently.

The Board members took no further action at this time.

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Old Business:

- C) Roche/Wetland Activity Permit Application/Site Plan/Planning Board, Expand basement for two car garage, use existing retaining wall for new wall of garage, remove portion of gravel drive, Section 6.16, Block 2, Lot 18, Location Plan dated July 31, 2008, revised September 4, 2008, Prepared by Edwin O. Elliott, Jr. AIA, (Southwest side of Butlerville Road, #5 Butlerville Road, off Rte. 100): (JM) (email memo PB)
The Conservation Board reviewed the above Planning Board application for Roche wetland activity permit, site plan at their meeting.

Board member James Moriarty reviewed the materials submitted, performed a site inspection of the property and gave a verbal report to the Board.

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Report:

- The property is located on the southwest side of Butlerville Road, off Rte. 100, #5 Butlerville Road.
- The applicants propose a two-car garage addition.
- The applicants requested a waiver to not flag the wetland as everything (house, etc.) is located in the wetland buffer area.
- According to the plan the applicants are connecting to a 4" PVC pipe for the roof gutters.
- Mr. Moriarty noted that as the roof wears out fiberglass, asphalt and sand by products and those items should be going to a dry well not wetlands.

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Old Business:

C) Roche/WAP: (cont'd)

- The applicant proposes an 80-ft. long silt fence of plastic and wood.
- Board member Moriarty noted that the applicant's plans are insufficient.
- He recommends instead that the applicant provide the following: steel spikes 150-ft. long (instead of 80-ft.) made with filter fabric, steel mesh fence with overlay filter fabric (1-ft. buried/3-ft. above ground) including an orange safety fence to mark the borders that need to be protected.
- The applicant also proposes to bury the roof of the new garage.
- Mr. Moriarty informed the Board that this is a bad idea as the freeze and thaw cycle will turn it into mud and every cycle will contaminate the area. He mentioned that they would need 4-ft. of topsoil to keep the roof from freezing and the roof could not handle the weight.
- The applicant proposed that the driveway stay at the same level as the existing one.

Chairman Meixner asked if the application was located in the buffer or wetland proper?

Mr. Moriarty said that it was located in both the wetland and buffer area.

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Old Business:

C) Roche/WAP: (cont'd)

Mr. Friedberg in summation said that the proposed silt fence is insufficient as recommended by the applicant. He also noted that the applicant should take another look at the 'green roof' because it is not a sound idea.

- The topographical survey said Mr. Moriarty with the location of the trees on the property is missing from the plans submitted.

He also noted that the existing topographical lines should be redlined so that there would be no confusion on the plans during the review process.

- Board member Moriarty advised the Board that the applicant would be cutting into the existing stone wall and creating new.

Mr. Moriarty suggested that there be an engineering inspection weekly and that the silt fence should not be dismantled until the grass is planted and has had a chance to grow. He also added that the silt fence should be maintained during construction activity and beyond.

Chairman Meixner inquired about steep slopes.

- Board member Moriarty responded that there were no steep slopes. The existing slope was about 5% upon site inspection.

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Old Business:

C) Roche/WAP: (cont'd)

Discussion ensued among the Board members with reference to the proposed project and whether or not to approve it with the recommended caveats suggested by Board member Moriarty.

Board member Lapetina and Friedberg were in favor of going ahead with the memo as the area is already disturbed.

Board members Moriarty and Merker agreed.

Chairman Gary Meixner had some reservations concerning the application as presented.

A discussion took place between Dr. Merker and Board member Shoshana Hantman with reference to this application and her understanding of the situation (as she is a new member).

After much discussion on the matter the Conservation Board decided to write a memo to the Planning Board stating their concerns and recommendations as outlined by Mr. Moriarty.

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A memo (#08-48) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Roche wetland activity permit application and site plan at their meeting on October 14, 2008.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

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Old Business:

C) Roche/WAP: (cont'd)

The C.B. has the following concerns and recommendations:

- 1) The application is incomplete. The applicant did not provide a topographical plan including location of trees.
- 2) The entire project is located within the 100-ft. wetland buffer area.
- 3) The Board recommends that the applicant show existing grade lines in red for clarity (on this application as well as future submissions).
- 4) The Engineering Department should perform weekly inspections of this property during construction, until the silt fence has been taken down, and the grass has taken hold.
- 5) The proposed 'green-roof' is not a sound choice. The applicant proposes a garage addition with a concrete roof covered with topsoil, so as not to increase runoff.
 - The applicant would need 4-ft. of topsoil to keep the roof from freezing solid (which would be too heavy for the structure).
 - The frozen topsoil would then thaw and drain down into the lower areas, i.e. wetlands.

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Old Business:

C) Roche/WAP: (cont'd)

- As time went on the roof contaminants would deteriorate and they would impact the wetlands.
- 6) Due to the close proximity of the wetlands from the driveway (20-ft.), the silt fence detail is insufficient.
- The material is poor; plastic with wood stakes is too temporary.
 - The applicant should use steel mesh, steel posts and a filter fabric overlay with 1-ft. buried and 3-ft. standing up.
 - The length of the fence should be 150-ft., (not 80-ft. as shown on the plans).
 - A 4-ft. orange safety fence (150-ft. street to back) should be placed alongside the silt fence to keep workers out of the area (i.e. material storage, parking).
- 7) Currently roof gutters are being directed into the wetlands with a 4-in. pipe.
- This needs to be disconnected and sent to a drywell.
 - As roofs wear out with each rain, they shed particles of asphalt, dyed sand and fiberglass down the gutters and out to the destination.

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Old Business:

C) Roche/WAP: (cont'd)

- 8) This site will be heavily disturbed by this project, not just the garage area (due to the proximity of the wetlands). That is why it is so important for special care to be taken with regards to erosion and stormwater features.

The Conservation Board will continue to review this application for Roche wetland activity permit as revisions are submitted.

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The Conservation Board took no further action at this time.

D) Best Plumbing Supply/Site Plan/Planning Board, Amended Site Improvement Plan dated February 1, 2008, revised September 17, 2008, Prepared by Kellard Sessions Consulting, (#49/Rte. 138/across from JFK High School): (FL)

The Conservation Board reviewed the above Planning Board application for Best Plumbing Supply site plan, amended site improvement plan at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, performed a site inspection of the property and gave a verbal report to the Board.

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Old Business:

D) Best Plumbing/SP: (cont'd)

The Board members discussed this application among them and decided that a memo should be sent to the Planning Board stating the Board's recommendation.

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Report:

- The site is located at #49 Rte. 138 directly across from the JFK High School.

- Dr. Lapetina informed the Board members that he is concerned about vehicles/trucks parking on the geo-block pavers as mentioned in a C.B. memo and discussed by the Board previously.

- He went on to say that it is paramount that the applicant post "no parking signs" near the pavers on the west side of the building and to the west of the new parking area.

- Board member Lapetina advised the Board that the tank has already been removed from the property and everything is all right.

- There is a trench behind the building with an oil and grease separator.

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Board member Moriarty said that when he visited the site last they had trucks parked on the grass, which is not a good idea. He thought that maybe signage would help people be aware of the situation.

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Old Business:

D) Best Plumbing/SP: (cont'd)

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A memo (#08-49) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Best Plumbing Supply at their meeting on October 14, 2008.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

The C.B. has the following concerns and recommendations:

- 1) The Board continues to be concerned about the possibility of trucks parking in the area of the geo-block pavers and leaking hydraulic fuel on property that is adjacent to the reservoir (as mentioned in our memo #08-30 & 08-45).
- 2) The C.B. strongly recommends that the applicant post "NO PARKING SIGNS" near the geo-block pavers on the west side of the building (to the west of the new parking area).
- 3) Keeping in mind the sensitivity of the area, it is paramount that this signage request be executed and enforced by the applicant.

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The Board members took no further action at this time.

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New Business:

A) Presentation/Herbert Lukas/Associate Planner, Westchester County Department of Planning/re: JFK High School/St. Joseph's Church on Rte. 138 and the Trailway: (HL)

The Conservation Board members welcomed Mr. Lukas to the meeting and exchanged introductions.

Dr. Merker inquired about the letter from the County Planning Department and asked Mr. Lukas if he was involved in writing the document.

Mr. Herbert Lukas introduced himself and informed the Board members that he is the Staff Planner that reviews the projects. He responded yes to Dr. Merker's question that he was involved in writing the document that was distributed at the meeting.

Mr. Lukas said that he would like to give the Board a brief background update on how the process works for the County. He went on to say that usually they get a referral from the Planning Board; one of the Planners reviews the proposal and then if it is a large enough proposal we present it to the County Planning Board. As this letter was ready to go we distributed it at the meeting with the County. Generally speaking they are shown the site plan and we discuss it thoroughly and then after the review they decide what they want to do, if they want to edit the letter, etc.

Mr. Merker asked if the County Planning Board were paid employees.

Mr. Lukas said that the Planning Board are all volunteers and he is a staff employee, civil servant (paid-for employee).

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Mr. Lukas continued his report stating that the Board consists of twelve members; nine are citizens, four from cities, three are from villages, two are from towns and then the other three Commissioners; public works, parks, and environmental facilities.

Ms. Davis questioned if the County Commissioners were paid and Mr. Lukas responded that they are paid and appointed by the County Executive.

Mr. Lukas went on to say that the report was submitted to them and they signed off on it and subsequently it was forwarded to the Town of Somers.

That is basically what our role is as County Planners. The opinion that is stated in the letter is an advisory opinion. The County Planning Board reviews projects throughout the County, site plan reviews and rezoning, etc. but in this case we have an extra role because the County Planning Department has been trying to improve the Trailway for at least 10 years now. The Trailway is funded under *the transportation improvement program* through State DOT and has one million dollars in funding that has already been programmed.

Dr. Merker asked if that money is specifically allocated for this Trailway?

Mr. Lukas responded affirmatively.

Dr. Merker then asked if the money has been floating along in the budget all of these years?

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Mr. Lukas responded yes and said that the funding will be lost if it is not spent in the near future. Other people submit grants for the money so that the longer it sits there the more chance we have of losing it to another project.

Dr. Merker inquired if the Somers Town Board was aware of this situation?

Lukas suggested that he show the Board a map of the Trailway as it exists and is proposed for the future. He said that the large map cannot be given to the Board, but copies of the smaller maps are available and he will pass them out. He explained that he brought along a map of the Trailway and one of JFK High School.

Dr. Merker mentioned that he is the biker in the group. He went on to say that he hikes and bikes fairly extensively.

Mr. Lukas explained that the Trailway is in red and if it would be constructed its entire length (this section) would go from the Goldens Bridge Train Station and then go across the abandoned bridge (over the reservoir). It would travel up in a northeast direction and the end point would be the North County Trailway at the Carmel-Somers border, originally it went through Carmel a little more, he said.

Lukas specified that it could be pieced together with a connection from this northern end to allow it to arrive at the Baldwin Place Shopping Center, which would be good because then it would allow access to the shopping area.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Mr. Lukas said that the yellow line was where either public ownership or the adjacent landowners got the use of the land. He advised the Board that after the railroad abandoned the right of way it became public ownership. Therefore what is highlighted in yellow is owned by the Town, the NYCDEP, the School District or it may even be an allowed easement for the Trailway (that has been put in place during the subdivision approval or site plan, etc. phase).

He informed the Board that some ownership allows the use of the Trail, while others do not. As you can see the only two parts where it is not highlighted is Lincoln Hall and JFK High School, with the largest area being Lincoln Hall (who is refusing to negotiate with us).

Herbert Lukas went on to say that they have one million dollars to spend and originally they thought it would cover the installation of the project, but they soon realized that it would not be enough money. In particular because they were told that the bridge would have to be restored to the original condition (which will chop the scope of the project). With the permission of the archdiocese we would like to run the Trailway through or around the property (JFK High School) down to the train station and consider it Phase I. In order to complete the phase we could then reapply for more money at a time when we would be able to do the area near Lincoln Hall (possible Phase II).

Board member Friedberg said that obviously the Trailway would have to be rerouted somehow, but has someone gone to the applicant with a recommendation on how this would work?

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

We were invited to a meeting here (Somers) said Mr. Lukas, which is rare. We brought it up to them that this is a project (even without the Trailway) should be reconfigured because of the maximum impact it would have on the environment. There are things that could be done to the site plan in order to reduce the impervious surfaces, the tree cutting, etc. We asked the applicant to take another look at those issues (regardless of the Trailway issue).

Lukas noted that the County Planning Board recommended reconfiguring the site plan just from the environmental standpoint. The applicant could actually make some space where the Trailway could continue through the existing roads that are on the site. The Planning Department recommended moving the Church to another part of the site so that both the school and the Church could use the same parking area.

Mr. Lukas went through different hypothetical scenarios that would allow the Trailway to go through the property. He finally mentioned that it could even be located across the parking lot (as has been done previously elsewhere in the County).

Dr. Merker opined that it would be a good opportunity to look and see what can be done to route the Trailway away from the parking lot.

Board member Friedberg asked about the cost to get an independent plan.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Board member Merker asked about the purpose of hooking up the train station to this area. He mentioned that they would be linking up the two High Schools, which is good, but a lot of other areas of Town would be benefited if they hooked up with this trail. He noted that it is very steep from the High School down to the Trail, but it would still be a good thing because there is a trail that goes behind Reis Park that exists already. He went on to say that now there is the Anglefly Preserve, so there are properties that are contiguous to each other that are owned by the Town, County, High School, etc. Dr. Merker said that his thoughts are that we could have a plan where kids could ride their bicycles to all the schools in town. In other words have the original plan and then add to it by connecting the trails and crisscrossing them.

Unfortunately, said Mr. Lukas the money that we are granted is specifically for this project through JFK High School property and to the train station (over the bridge). It is under a program that is called *congestion mitigation and air quality*. This project was run through an air quality model that demonstrated that the Trailway would reduce congestion and improve air quality in the area.

Dr. Merker said that if you think about it you are not really hooking up a lot of centers of . . .

Our selling point was the train station said Mr. Lukas.

Board member Friedberg said if it is earmarked, then it is earmarked. What I would do is speak to the people involved with the Anglefly Preserve because they are getting money from the State too.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Dr. Merker responded that they are not getting that much and they are not particularly interested in bike trails. He asked Mr. Lukas did you say that it could be part of a Phase II for the project?

Lukas said that it could be but it would have to be a collaborative effort with the Town. Every time they do these solicitations for grants under the transportation authorization bill any municipality can put in an application.

Mr. Friedberg said but the million dollars that you have is just for this part of the Trailway.

Mr. Lukas responded correct. The million dollars is just for the Mahopac branch trail.

Board member Friedberg asked how much of the million dollars could be used by the bridge?

Lukas responded that they do not know at this point, it could use the entire million.

Chairman Gary Meixner noted that there are two bridges. One is located on Rte. 100.

Mr. Lukas explained that the estimate for the whole project was originally one million dollars. The project has to be re-scoped.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Chairman Meixner said that temporarily they could by-pass the bridge and go along the road (Rte. 138), for now and restore it later. It is wide enough at that point to be able to do that.

If I remember correctly, the development that is there now (The Preserve) was supposed to pay for the Trailway to be restored said Gary. Someone would have to look back in the paperwork for the subdivision.

Board member Charles Friedberg said that we are talking about JFK right now, so let's not confuse the issue. The applicant wants to use the abandoned railroad tracks for a retention pond and a study has to be done before they use that feature.

Discussion ensued among the Board members and Mr. Lukas who was trying to find a way to work out the problems concerning the construction of the Trailway along Rte. 138. They went over pros and cons and several scenarios.

Dr. Merker said that as part of the project up front JFK needs to provide a right of way to get this Trailway connected and under way.

But are they required to do that, do they have to? No said Mr. Friedberg.

Herbert Lukas suggested that the town could make the applicant do an EIS as this project is going to seriously impact the environment.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Board member Friedberg went on to say that the C.B. should discuss the application with the Planning Board regarding the Trailway as it is in everyone's best interest to have a serious sit-down. The application should not be held up any more than is absolutely necessary, said Charles.

Dr. Merker said that if we could get a commitment that they are going to supply an easement then you can go to the County and say we have it.

Once they say okay then we can start everything moving forward by doing the design work said Mr. Lukas. Unfortunately, after the railroad has been abandoned for some years the right of way reverts back to the adjacent landowners. So in both cases (JFK and Lincoln Hall) that is what happened.

The Board members asked Ms. Davis to find the list of who attended the meeting between the Planning Board and interested agencies regarding the JFK property.

Dr. Merker said that it would be in the C.B. packet that was around August 19 (for the benefit of Ms. Davis, who would be retrieving the information.

More discussion ensued among the Board members with reference to this project and what could be done to help the situation.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Lukas informed the Board that the Putnam division was bought by the State DOT (Penn Central divested themselves of the Putnam railroad) and the State DOT bought the right of way. He went on to say that for some reason it did not happen with the Mahopac branch, as the State was not interested. They did not have the foresight (for some reason) to buy the Mahopac branch.

Dr. Merker asked who owns Lincoln Hall?

Chairman Meixner responded the State of New York.

Dr. Merker said, so why won't they let the Trailway come through?

Herbert Lukas responded that they said that the people on that property (Lincoln Hall) should not be mixing with the general public.

Board member Shoshana Hantman agreed with that statement.

Board member Friedberg said that nothing is going to get done while we are talking so we should have a meeting. We want a right of way and they want their project to get done. It is very simple. There just needs to be discussion on the matter. We are going to have to talk to them and it has to happen soon otherwise that funding will be lost for this part of the Trailway. There should be a meeting of someone from this group and the Planning Board and they should discuss how to convince the right people from the archdiocese to go along with them.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Dr. Merker then went on to say that the C.B. should meet informally with several Planning Board members.

Mr. Lukas said that the County's letter explains that there needs to be alternatives or an EIS should be prepared. If you do not like the site plan then they could be made to do an EIS and that would require them to have to do the SEQR process.

Dr. Merker said that if you look at the moral-ethical side of it, religious institutions have to take some responsibility.

Lukas noted that the problems as the County sees it is the fact that they are not using shared parking and the carbon footprint will be increased because they are going to use Plumbrook Road instead of Rte. 138.

The Conservation Board members discussed a possible meeting with several of the Planning Board members and Chairman De Lucia.

Dr. Lapetina said that he did not think that they would be amenable.

Ms. Davis volunteered to call the Planning Board Chairman, Ms. DeLucia and ask her if she would be available to attend a brief meeting with several of the C.B. members and Planning Board members.

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New Business:

A) Presentation/Herbert Lukas: (cont'd)

Dr. Merker said that the C.B. would like to informally meet with some of the Planning Board members to discuss this issue with them.

Mr. Friedberg said that something has to be done now, otherwise nothing will ever get done.

Mr. Lukas said that if everyone is not successful then the County is going to forfeit the grant and the Trailway will never materialize, ever. He explained to the Board that the Principal of the school appeared to be amenable, but someone higher up in the archdiocese did not seem to want it to happen.

Board member Friedberg said that the Town should know that they might be forfeiting the money involved in having the Trailway in that section of town. He noted that both the Planning Board and the Town Board should be aware of that information.

The Conservation Board thanked Mr. Herbert Lukas for his time and presentation to the Board.

The Board members requested that Ms. Davis should contact the Planning Board Chairman and report back to the Conservation Board at the next meeting.

The Board member took no further action at this time.

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New Business:

- B)** Wright's Court (formerly Barlow Ct./Hallic Place)/Site Plan/Planning Board, Pumping Test Program, Wells 1 & 2/3 & 4; Landscape Plan revised January 31, 2006; Redesign Exterior Façade 8-24-08; Revised Exterior Appearance 8-11-08; Added Mech. Room 7-24-07; Existing Conditions Plan; Neighborhood Plan; Site Layout Plan; Site Layout Plan Alt. A & B; Grading & Utilities Plan; Sediment & Erosion Control Plan; Driveway Profiles and Sediment & Erosion Control Details; Details, Drainage & Roadway Profiles; Construction Details; Contextual Review of Wrights Court proposed by Nordic Custom Builders & prepared by Richard Henry Behr Architect, PC dated October 2008, (#339 & 341 Somerstown Road, Rte. 100 & Scott Place): (CF/JM)
The Conservation Board members will review the above Planning Board application for Wrights Court/Hallic Place at their next meeting.

Board Members Charles Friedberg and James Moriarty will review the materials submitted, perform a site inspection of the property and give a report to the Board.

A report will be forthcoming at the next Conservation Board meeting.

- C)** IBM Corporation/Maintenance Permit/Administrative Review, Thursday October 9, 2008, Section 17.19, Block 1, Lot 1, (#294 Rte. 100/across from Mobil Station): (FL)
The Conservation Board reviewed the above administrative application for IBM Corporation maintenance permit at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, performed a site inspection of the property and gave a verbal report to the Board.

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New Business:

C) IBM Corporation/Maint. Program: (cont'd)

*

Report:

- Board member Lapetina noted that the property is located on the east side of Rte. 100 across from the Mobil Gas Station.
- He explained that the damage to the hillside happened during the last rainstorm. Instead of the curtain drain going into the manhole it was not even flowing through the metal pipe.
- The applicants require a maintenance permit in order to correct a problem on the hillside whereby the existing curtain drain was flowing alongside the culvert instead of into the culvert.
- Dr. Lapetina explained that the applicants would be taking out the metal pipe and installing a PVC pipe.
- Board member Lapetina specified that the resulting erosion from water has made a gully of 6-ft. deep trenches, which washed out areas of the existing slope.
- He noted that the application calls for replacing 220-ft. of pipe (due to erosion) and replacing it with DOT approved PVC pipe and removing the sediment in the catch basin caused by the erosion.

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New Business:

C) IBM Corporation/Maint. Program: (cont'd)

Board member Lapetina referenced the fact that he responded to this application during the Administrative meeting and his response is duly noted in the following document dated October 8, 2008 in the administrative Summary Sheet for IBM.

- At that meeting Dr. Lapetina stated that 4" curtain drainpipes should be connected to the main drainpipe manhole.
- Dr. Lapetina went on to say that the applicant should landscape the grass to be replaced after the main pipe replacement.
- The discharge area should be cleaned out and restored.

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The Conservation Board discussed the application among them and were satisfied with the action prescribed by the applicant, the Town Engineer and Board member Lapetina.

The Board members took no further action at this time.

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New Business:

- D)** Oehler-Muldoon/Wetland Activity Permit Application/Administrative Review, Sketch, Submitted September 18, 2008 by Applicant-Owner, Section 17.08, Block 2, Lots 18 & 19, Removal of muck from existing pond, putting on lot 19 in containment area with removal in spring of 2009, activity area ½ acre, (#8 Bonny Drive, east side, 1000-ft. from intersection Deans Bridge Road): (FL)

The Conservation Board reviewed the above administrative application for Oehler-Muldoon wetland activity permit, sketch at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, performed a site inspection of the property and gave a verbal report to the Board.

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Report:

- Dr. Lapetina reported that the property is located at #8 Bonny Drive, on the east side about 1000-ft. from the intersection of Deans Bridge Road.
- He acknowledged to the Board members that he performed a site inspection of the property. All surrounding lots are developed (R-40 zone).
- Board member Lapetina noted that the applicant intends to remove the muck from a jointly owned pond (600 c.y.). They will then dredge the pond. The muck will be temporarily stored on site in containment area with a spring 2009 removal to a landscaper's lot.
- The amount of land affected is one-half acre of property.

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New Business:

D) Oehler-Muldoon/WAP: (cont'd)

Chairman Meixner inquired about the time of year that they would be doing this activity.

Dr. Lapetina responded that they were in the process of doing it right now. The pond has been emptied and is not functioning; the water is down.

Chairman Meixner said that he did not think it advisable in October that the activity should be done in August because the turtles/reptiles etc. burrow into the muck at this time of year. He continued his thought stating that he remembers from former Board member John Behler, who was an expert in matters concerning turtles and reptiles.

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Dr. Lapetina went on to discuss the Oehler Summary Sheet from the administrative meeting that was conducted on September 22, 2008.

Town Planner:

Ensure maintenance program for stockpiled material, regular inspections, etc., ask about fertilization practices (phosphorus free), and ask about source of sediment.

Engineering Technician:

Need to do site visit. Save pond life – turtles, snakes, etc.; sample material for phosphorus, nitrogen, etc.

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New Business:

D) Oehler-Muldoon/WAP: (cont'd)

Building Inspector:

No building permit is necessary.

Conservation Board:

Dr. Lapteina agreed with the Town Planner and Engineer but would like to see a final plan for outflow control when it is established.

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The Board members took no further action at this time.

E) Morales/Wetland Activity Permit Application/Administrative Review, Sketch, Submitted September 26, 2008 by Applicant-Owner, Section 37.10, Block 1, Lot 32, Installation of generator, (#15 Hilltop Road): (GM)
The Conservation Board reviewed the above administrative application for Morales wetland activity permit at their meeting.

Chairman Gary Meixner reviewed the materials submitted and gave a verbal report to the Board.

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New Business:

E) Morales/WAP: (cont'd)

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Report:

- Chairman Meixner informed the Board that the applicants are have installed a propane generator outside their house.
- The generator is located within the 100-ft. wetland buffer setback area.
- He advised the Board that the applicants received a notice of violation previously, before applying for a permit.
- Mr. Meixner said that the job is complete and he did not see any disturbance at this time.

**

Chairman Meixner noted that he has no comment on this application.

Board member Friedberg informed the Board that he had a propane generator installed and there was a lot of disturbance involved.

Discussion ensued among the Board members with reference to propane fed generators and the likelihood of them having problems.

Board member Shoshana Hantmann said that she knew of some instances where they actually blew up.

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New Business:

E) Morales/WAP: (cont'd)

Chairman Meixner said that the line for gas is not going into the house it is only feeding the generator.

Board member Charles Friedberg said that if they run a separate line then there should be no problems.

The Board members took no further action at this time.

**F) Planning Board/Site Walk October 14, 2008 at 9 AM (Weather Permitting)
for the following:**

9:10 AM	Opengate Site Plan	Application for property located at 28 Warren Street for an alternate location for the construction of Maintenance Facility Building with associated parking and access improvements.
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Board member Shoshana said that she attended the Planning Board site walk for the above project. Ms. Hantman mentioned that she is a new member and she will do her best. She noted that this application did not have issues regarding wetlands, etc., but advised the Board that there are a lot of Ash trees and apparently they are all dying.

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New Business:

F) Planning Board/SW: (cont'd)

9:45 AM Mitchell Prel. Sub. (TM-16.09-1-9)
& Steep Slopes Permit Application of Gary Mitchell for property located on the west side of Tomahawk Street for a proposed 4-lot subdivision, three of which are new building lots and one existing lot.

Board member Hantman said that she also attended the site walk for Mitchell Subdivision with the Planning Board. She mentioned that the property is located near Koegel Park and happens to be a beautiful piece of property.

Dr. Lapetina inquired about the site plan for Mitchell Subdivision.

Ms. Davis said that it was downstairs and she could retrieve it.

Board member Edward Merker requested that Mitchell Preliminary Subdivision and steep slopes permit be tabled and kept on the C.B. agenda until the next meeting.

The Board members took no further action at this time.

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New Business:

- G)** ELLA/Environmental Learning Alliance/Discussion: (EM)
Board member Dr. Edward Merker spoke with the Conservation Board regarding ELLA and the programs available to C.B. members. He suggested that everyone use their computer to go to Teatown.com and check out the programs.

Dr. Merker said that he attended a workshop at Teatown and he heard a national expert speak on Conservation Subdivisions (who spoke for four hours). He highly praised the workshops and their ability to teach about environmental issues that will help everyone. He noted that Somers had the largest contingency attending the workshop.

Dr. Merker strongly advised that all members take the available courses and get on the website and mailing list as it is most important.

Board member Merker discussed a book whose title was “Flawed Process, Flawed Outcome”. He asked the C.B. secretary to look into the Board members purchasing the book.

Dr. Merker inquired about the C.B. Budget and whether or not the book could be purchased on our budget.

He went on to say that the book is about the process and how backward and problematic it is. The author says that if someone intends on doing a project then someone from the town should sit down with the applicant and tell him what can and cannot be done before thousands of dollars are spent. He commented that the process is so very flawed.

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New Business:

G) ELLA/Discussion: (cont'd)

Discussion ensued among the Board members with reference to this subject matter.

Board member Moriarty informed the Board that in Greenberg they require Energy Star ratings on the homes. It would be most beneficial if all towns had that requirement.

The Conservation Board took no further action at this time.

There being no further business to discuss, a motion to adjourn was made at 10:00 PM by Board member Dr. Frank Lapetina and seconded by Board member James Moriarty. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on October 28, 2008 at 7:30 PM.

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Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on November 11, 2008 and November 25, 2008 respectively.

Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

Cc: Town Board
Town Clerk
Town Engineer
Town Planner
Planning Board
Zoning Board
Open Space Committee
Architectural Review Advisory Board
Landmark Committee