

**CONSERVATION BOARD
MINUTES OF MEETING
NOVEMBER 11, 2008**

The November 11, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Dr. Frank Lapetina, Dr. Edward Merker, James Moriarty, Gloria Rosenzweig, Gary Meixner

Absent: Shoshana Hantman

Guests: None

Announcements:

The Budget Hearing for the Conservation Board has been scheduled for Tuesday, November 18, 2008 at 8:30 PM.

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Approval of Minutes:

A motion was made by Charles Friedberg and seconded by James Moriarty to approve the minutes of the October 28, 2008 regular meeting of the Conservation Board. All members present approved.

Old Business:

- A)** Conservation Board/Budget Hearing with the Town Board is scheduled for Tuesday night, November 18 at 8:30 PM in the Library/Discussion with Conservation Board:

The Conservation Board reviewed and discussed the proposed budget for 2009. As per Supervisor Murphy's request the Budget for 2009 should remain the same amount as that of 2008.

C.B. Secretary Ms. Davis asked the Board members if there was any request that they would like her to mention at the budget hearing or if any of them would be interested in attending the meeting on Tuesday night along with her.

Board member Charles Friedberg suggested that Chairman Meixner should attend the meeting with the C.B. Secretary and speak to the Town Board.

Chairman Meixner responded that he would have to check his calendar, but it appears that he would be able to be present at the Town Board's budget hearing meeting.

Board member Gloria Rosenzweig reminded Mr. Friedberg that he wanted to ask a question about the Tentative Budget 2009 as it relates to the item 'chauffeurs'.

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Old Business:

A) C.B. Budget hearing: (cont'd)

Mr. Friedberg asked the Board members about the Town paying for chauffeurs for the Nutrition-Transportation program as mentioned in the tentative budget for 2009 page 11. He was wondering about the purpose of this expenditure, noting that the C.B. has practically no budget while the Town is paying for chauffeurs for whom?

Ms. Davis responded that she was not aware of the expenditures for other areas in the town budget or their purpose, but she explained that she could find out if the Board was interested in knowing. She mentioned that her assumption was that the chauffeurs were somehow related to the proper functioning of the Nutrition Program with regards to either delivering food to home-bound seniors, etc. or maybe transporting seniors, etc. to and from appointments.

Ms. Davis noted that the Town Supervisor had requested that the various Boards, Committees, etc. keep their budget at the same amount as was adopted last year. Keeping this in mind she informed the Board members that it was not necessary for them to attend the budget hearing this year as nothing is going to change in the budget for the Conservation Board. She explained to the Board that there was nothing new that they were asking for and therefore nothing new would be added to change the budget. She mentioned that with the line items staying the same, there was actually little to talk about. Keeping that in mind she did not think it a wise use of time, (both hers and the Town Boards) to discuss last year's budget.

Ms. Davis mentioned that if the Town Board/Supervisor wanted her to attend then she would be happy to do so, but if going to the budget hearing served no purpose then she did not see the necessity.

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Old Business:

A) C.B. Budget hearing: (cont'd)

Discussion ensued among the Board members and they decided that there was nothing that they would want to add or mention at the budget hearing this year, especially in light of the request from the Town Supervisor regarding status quo on the proposed budget for 2009.

The Board members noted that they would like to see Ms. Davis and Chairman Meixner attend the Conservation Board budget hearing on Tuesday November 18, if at all possible.

Ms. Davis said that she would attend if necessary, but she would also check with the Supervisor and see if they wanted her to be there to give a report on the activity of the Board and its members.

The Board members took no further action at this time.

B) Tentative Joint Meeting/Update/to be arranged between the Conservation Board members and Planning Board members regarding JFK High School/St. Patrick's Church and the Trailway/need possible dates and times: (RD)

Conservation Board Secretary Ms. Davis explained to the Board members that she contacted the Planning Board Chairperson Ms. Fedora DeLucia and had a lengthy telephone discussion with her with reference to the C.B. and the proposed meeting between the Boards.

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Old Business:

B) Joint Board Meeting/PB-CB: (cont'd)

Ms. Davis informed the Board that she mentioned all of the Board's recent requests and suggestions with reference to the proposed meeting, i.e. before our meeting, before the Planning Board meeting, on another night, etc. to Ms. DeLucia.

After some discussion, Ms. DeLucia came to the conclusion that she did not agree with any of the proposed meeting times, suggestions, etc. She mentioned that at present it was difficult to get the Planning Board members to attend their own meeting, let alone an additional meeting with the Conservation Board. She said that the C.B. members could attend her meeting, but they would have to wait to be on the agenda until the end of the meeting (in order to discuss the Trailway at J.F.K. High School on Rte. 138). Ms. DeLucia noted during the conversation that evening meetings, especially before the Planning Board's Wednesday meeting was out of the question, as there was too much preparation needed by the Board members for their regular meeting and it would interfere with that time allocation.

Board member Charles Friedberg said that they had asked for a time, how could the Chairperson say no to that question?

Ms. Davis responded that the Chairperson decided that she would like the request in writing (memo form) and she would prefer that the meeting would take place on a Saturday morning and should be a joint Board meeting (for whoever could show up).

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Old Business:

B) Joint Board Meeting/PB-CB: (cont'd)

The Conservation Board members discussed the possibility of whether or not it was feasible for the Planning Board to allow them to have first place on their agenda in order to give their thoughts on the creation of a Trailway on the proposed St. Joseph's Church and JFK High School property.

Dr. Frank Lapetina noted that the C.B. is not being given much choice in the matter and opined that it appears that the Planning Board does not think that meeting with the Conservation Board is very important.

Ms. Davis responded that according to Ms. DeLucia that is the way the Planning Board meeting is arranged and they can make no exceptions to their format. The Board would have to speak at the end of the Planning Board meeting, which usually takes place around 11 PM.

Board members discussed the issues pertaining to the Conservation Board members attending the Planning Board meeting.

Ms. Davis explained that Ms. DeLucia informed her that several of the Planning Board members would like to see the Trailway extended along Rte. 138 across the JFK High School property. Keeping that in mind, Ms. Davis was wondering if the Conservation Board really needs a meeting to discuss the issue, she suggested conveying the C.B. recommendations in a memo to the Planning Board.

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Old Business:

B) Joint Board Meeting/PB-CB: (cont'd)

Board member Charles Friedberg responded that the Board would like to have a discussion with the Planning Board directly (especially since time is of the essence).

Dr. Edward Merker inquired about the day of the week that the Planning Board has their meeting.

Ms. Davis responded that the Planning Board meeting is held on the Wednesday that usually follows the Conservation Board meeting on Tuesday.

Dr. Merker said that he would be able to attend the Planning Board meeting and asked who else would be able to attend.

Board member Friedberg noted that if everyone is in agreement then it would be prudent to sit down with the clergyman that is in charge and have a conversation with him.

Dr. Merker asked if the Planning Board understands that there are time constraints on this matter; as the million dollar grant for the Trailway could be re-appropriated somewhere else, and not necessarily in Somers, if we fail to act expeditiously.

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Old Business:

B) Joint Board Meeting/PB-CB: (cont'd)

The Board members discussed several possibilities on how the meeting could be arranged and when it could take place.

Dr. Lapetina mentioned that the County has the million dollars, but they have some time constraints. He explained that the Conservation Board has been trying to get some kind of joint effort on this situation, however apparently the impedes for the 'joint' appears to be illusive.

Board member Lapetina noted that he has no objection to the proposed proceedings; however he remarked that it is frustrating to hear the Planning Board's response. He opined that it seems the Conservation Board is beating the wrong drum, because it appears that the Planning Board does not want to march.

Board member Gloria Rosenzweig said that she would go to the Planning Board meeting to be there and support whomever else attends, but she is not familiar with the subject matter.

Board member Friedberg said that by 11 o'clock the Planning Board would probably want to leave for the evening and they would not be amenable to speaking with the Conservation Board (especially at that hour).

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Old Business:

B) Joint Board Meeting/PB-CB: (cont'd)

After much discussion on the matter the Conservation Board decided to write a memo to the Planning Board (and at the request of the Planning Board Chairperson) requesting a Joint Board meeting on a Saturday morning of their choosing between the hours of 9:00 and 10:00 AM.

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A memo (#08-52) will be sent to the Planning Board stating that the Conservation Board would like to have a Joint Board meeting as soon as possible to discuss the Trailway at JFK High School. It is imperative that this meeting take place in the near future as time is of the essence due to pending grant money for the Trailway.

The Conservation Board members would like to set up a meeting for a Saturday morning of your choosing anytime between the hours of 9:00 and 10:00 AM.

Please respond as soon as possible by either memo or email to our secretary.

Thank you.

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The Board members took no further action at this time.

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New Business:

- A)** Crecco/Wetland Activity Permit application, Section 28.17-1-16; 28.17-1-20; 28.18-1-21, Site Plan/Planning Board, Constraints Map, revised October 21, 2008; Profile & Details, revised October 31, 2008; Stormwater Details, revised October 31, 2008; Landscape Plan dated October 31, 2008; Prepared by Bibbo Associates, LLP, (off Rte. 100, 1500-ft. from Elmer Galloway, Young Road):

The Conservation Board members reviewed the above Planning Board application for Crecco wetland activity permit site plan at their meeting.

The Board members discussed the application among them and looked at the plans submitted. The members did not understand why the wetland permit is now coming before them when they had determined that the application is incomplete at the last meeting (a C.B. memo was sent to the Planning Board acknowledging this fact).

Dr. Lapetina read from the document to the Planning Board stating that they have not issued a permit yet.

Board member Friedberg noted that the document states that the Conservation Board has not issued a memo to date, which is not true.

Ms. Davis responded that they probably had not yet copied and received our memo at the time that they dictated their memo.

Board member Charles Friedberg inquired about how they could just ask for the wetland permit when the application is incomplete.

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New Business:

A) Crecco/WAP: (cont'd)

Ms. Davis said that she did not know, however, maybe they wanted to hold a public hearing on this application and move things along in a forward direction and that is why everything does not appear to be going along the way it usually does.

Board member Friedberg noted that there is a catch basin (detention pond) within 50-ft. of two homes, which does not seem to be correct, did the C.B. approve this plan? He questioned the Board members and asked if they ever establish that the Planning Board got our approval for putting the homes so close to the catch basin? Why are they coming before us for a wetland permit?

Dr. Frank Lapetina said that it states in a memo that the common driveway to serving the three lots has received Planning Board approval under the *conservation subdivision* section of the code, so apparently this application has been before them previously.

Mr. Friedberg said so why are they coming before us for a wetland permit?

Dr. Lapetina said that the common driveway is in the wetland buffer so they have to have a wetland permit in order to proceed with their application.

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New Business:

A) Crecco/WAP: (cont'd)

Chairman Gary Meixner said that the problem is that when any applicant subdivides their property they do not pay any attention to wetlands, steep slopes, trees, etc. they just divide the land into several sections of property called parcels. At present the Conservation Board has no comment on the way that the applicant subdivides their property (although we should) and, usually in most cases they do not have houses on the property yet.

Dr. Lapetina informed the Board that what he reads here in the memo says that there is no objection to the Planning Board closing the Public Hearing and issuing a wetland permit with the standard conditions; along with the additional items successfully addressed below as part of the stormwater management erosion and sediment control permit, (which, he commented over time will come before the Conservation Board also).

Board member Charles Friedberg mentioned that he thought this memo had something to do with their receipt of our recent memo.

Ms. Davis said that this paperwork has nothing to do with the C.B. memo that was recently sent to the Planning Board. This paperwork is part of what the applicant has to submit to the Planning Board.

Chairman Meixner and Charles Friedberg stated that the Conservation Board should send the application back to the Planning Board.

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New Business:

A) Crecco/WAP: (cont'd)

Ms. Davis suggested that the C.B. should hold onto the application and send a memo to the Planning Board stating that we are awaiting the information requested in our previous memo.

After some discussion on the matter the Conservation Board members agreed to send a memo and hold onto the application until they hear from the Planning Board.

Ms. Davis informed the Board members that she would also look into the situation involving the (2) detention ponds being 50-ft. away from the homes. She mentioned that she could contact the Assistant Engineer, Steve Woelfle and find out why these features are located so close to the homes and then report back to the Board members at the next meeting.

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A memo (#08-53) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Crecco wetland activity permit, site plan at their meeting on November 11, 2008.

The Board members reviewed the materials submitted, and discussed the application among them.

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

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New Business:

A) Crecco/WAP: (cont'd)

- 1) The Conservation Board at our last meeting deemed this application incomplete.
- 2) The Board is awaiting the documents that have been requested before we can give an appropriate response to the wetland permit (above) that was forwarded to us.

The Conservation Board will continue to review this application as revisions are submitted.

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The Board members took no further action at this time.

**B) ELLA/ Environmental Leadership Learning Alliance/Brief Discussion:
(EM)**

Board member Dr. Edward Merker explained to the Board members that Crecco is a perfect example of what ELLA has been discussing at their meetings. He reiterated that part of the problem with subdivision reviews is that the whole process is flawed. The Conservation Board always gets the projects to review after the subdivisions are already approved, not before.

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New Business:

B) ELLA/Brief Discussion: (cont'd)

Therefore, Dr. Merker said that proper land use is difficult because the Conservation Board does not have a comment from the beginning of the application, only after the fact. This practice does not allow the Board to have input on wetlands, steep slopes and tree preservation when it is most needed at the inception of the proposed development.

Dr. Merker went on to say that because the lot sizes are already established it is impossible to navigate around some of the associated problems concerning proper land use and sensitivity towards the environment.

Dr. Lapetina informed the Board members that the next ELLA meeting is scheduled for January 24, 2009. He recommended that the Board members save that date and try to attend the meeting, as education is paramount.

There being no further business to discuss, a motion to adjourn was made at 9:00 PM by Board member Charles Friedberg and seconded by Board member James Moriarty. All members present approved.

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The next regular meeting of the Conservation Board will be held at the Town House on November 25, 2008 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on December 9, 2008 and December 23, 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