

**CONSERVATION BOARD
MINUTES OF MEETING
NOVEMBER 25, 2008**

The November 25, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, Dr. Edward Merker, James Moriarty,
Gary Meixner

Absent: Charles Friedberg, Dr. Frank Lapetina, Gloria Rosenzweig

Guests: None

Announcements:

Board member Dr. Frank Lapetina emailed CB Secretary Ms. Davis and informed her that he would not be able to attend the meeting tonight.

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Announcements:

Mr. John Kellard, Engineer for Kellard Engineering representing Wright Court is scheduled to attend the Conservation Board meeting of December 9, 2008 to discuss the application with reference to our concerns and recommendations. Mr. Powers Taylor Rosedale Nursery's Landscape Architect will also be in attendance.

Board member Charles Friedberg emailed C.B. Secretary Ms. Davis and informed her that he would not be able to attend the meeting tonight. He also included corrections to the Minutes of November 11, 2008.

Board member Gloria Rosenzweig phoned Chairman Gary Meixner and informed him that she would not be able to attend the meeting tonight.

Approval of Minutes:

A motion was made by Dr. Edward Merker and seconded by Shoshana Hantman to approve the minutes of the November 11, 2008 regular meeting of the Conservation Board. All members present approved.

C.B. Secretary Ms. Davis advised the Board members that Charles Friedberg had forwarded some changes to the C.B. Minutes for November 11th via email. She noted that she copied the Board members on his email and she would revise the C.B. Minutes accordingly.

Board member Friedberg's revisions encompassed several changes on pages 2 and 6 in the draft document submitted to the Board. Ms. Davis asked if everyone understood the proposed changes as recommended and they agreed.

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Approval of Minutes:

Board member James Moriarty made a change to page 6 of the draft Minutes of the November 11 meeting. All Board members agreed.

Old Business:

A) Conservation Board/Budget hearing with the Town Board, Tuesday night, November 18 at 8:30 PM in the Library: (RD)

C.B. Secretary Ms. Davis informed the Board members that she decided not to attend the Budget hearing for the Conservation Board.

Ms. Davis advised the Board that she received a call from the Supervisor's office inquiring about her attendance and she phoned Chairman Meixner and asked him if he was going to attend. Apparently he had forgotten about the hearing date and had made other plans that night.

Ms. Davis spoke with Barbara Sherry regarding the C.B. budget and the need for her to be present at the hearing. She inquired about Supervisor Murphy and whether or not she required her attendance. Ms. Sherry said that the Supervisor would not mind if she wanted to cancel the Conservation Board's attendance at the meeting.

During the conversation Ms. Sherry mentioned that the Conservation Board is advisory and therefore, was not mandated to attend. After some conversation with the Supervisor's assistant, Ms. Davis decided that there was no necessity for her presence at the hearing as the budget was set and would remain the same as last year regardless of her attendance.

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Old Business:

A) Budget hearing 2008:

Discussion ensued among the Board members with reference to the Budget hearing and Ms. Davis referred the Board to page 14 of the Preliminary Budget that was copied and distributed to them. She noted that it appeared that the Town Board had given her a raise, but until the Budget is adopted it could be changed, so they would just have to wait and see what happens. She explained that the only negative thing about that situation is that it appears to have been taken from the C.B. original Budget as the completed budget line was only about \$100.00 more. She specified that it might have been taken from the education line as the Town Board had offered to pay for educating the C.B. members upon request.

Board member Merker said that that line is contractual.

Ms. Davis agreed and said that everything comes out of that line item, supplies, education, mileage, etc. Therefore, she explained that she would have to find out which line item was affected by the rearranging of C.B. funds.

Chairman Meixner commented that they probably took the money from education since the Board has not been using the funds appropriated for that line item.

Board member Dr. Merker asked if the C.B. Secretary puts in for supplies and she responded affirmatively. He noted that in 2007 the document reflects that the C.B. only used \$947.00.

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Old Business:

A) Budget hearing:

Ms. Davis went on to say that in 2008 they were not really allowed to put in for supplies unless it was an emergency. Therefore she noted that a supply order was just placed recently for what she needs immediately. She explained that the contractual would not reflect any major changes because she has waited until the end of the year to place an order. She informed the Board members that she has to email Supervisor Murphy and get her permission before ordering any supplies, no matter how insignificant.

Chairman Meixner mentioned that his stipend was not increased this year.

Ms. Davis agreed and explained that every year the C.B. asks for a raise in the Chairpersons stipend and every year the Town Board does not change the monies allocated for the Chairperson. She mentioned that the Planning Board Chairman gets \$2500.00 per year while the C.B. Chair receives only \$1200.00.

Board member Merker inquired about the other Board Chairpersons and whether or not they received any more funds for their services.

Ms. Davis responded that as far as she is aware there have been no changes in the stipend allowed for the various Board Chairpersons.

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Old Business:

A) Budget hearing:

The Board members reviewed the Preliminary Budget and asked questions about the various agencies with regards to their duties and responsibilities and also the monies appropriated to them.

Chairman Meixner brought up the Planning Board fees and discussed the fact that many of those revenues (technically speaking) belong to the Conservation Board (with reference to wetlands, steep slopes, tree permits, etc.).

Ms. Davis explained that the former Conservation Board members decided that they did not want to process the permits and therefore none of the monies from those applications have been attributed to the C.B.

Board member Shoshana Hantman inquired about why the Conservation Board is not being given access to those fees.

Chairman Meixner responded that they are given to the Planning Board for their use.

Ms. Hantman noted that they wouldn't even count it that way.

Chairman Meixner responded that no they do not. We generate all of the wetland, steep slope and tree permits, but we do not receive the credit.

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Old Business:

A) Budget hearing:

Ms. Davis specified that it has everything to do with the fact that they did not make the C.B. Secretary job full time and therefore she would not be able to process those applications the way that they should have been processed through the Conservation Board.

Ms. Davis went on to say that the Town Board decided to let the Planning office do all of the work and hire another person to help them handle the workload. The situation we are discussing she said has everything to do with what transpired many years ago.

Board member Moriarty mentioned that the Town is facing less revenue from reduced mortgage tax income, which has dropped off about 50%. They are minus that revenue.

Ms. Davis responded that she has no idea what is going to happen in the coming years, but for next year the Conservation Board has their usual small budget to continue their operations.

The Board members took no further action at this time.

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Old Business:

- B)** Crecco/Wetland Activity Permit application, Section 28.17-2-16; 28.17-2-20; 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 Road, on Young Road): (RD)
The Conservation Board discussed the above Planning Board application for Crecco wetland activity permit and site plan at their meeting.

Chairman Meixner inquired about the information that was asked for on Crecco.

Conservation Board Secretary Ms. Davis said that she was asked to do some research and she made a phone call to the Planning Office in order to follow up on some questions for the benefit of the Conservation Board.

Ms. Davis informed the Board members that she spoke to Assistant Town Engineer Steve Woelfle and discussed the C.B. concerns with him in order to obtain a response for the meeting tonight.

Mr. Woelfle informed Ms. Davis that anytime that the Board members have any questions they should feel free to call him and he will do his best to answer them, preferably (after 3PM) in the afternoon. He said that this would allow the Board members to learn as they are doing the work.

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Old Business:

B) Crecco/WAP:

Ms. Davis advised the Board members that when she called him up he responded to the questions that were discussed at the last Conservation Board meeting. Apparently according to Steve Woelfle the basin in question is being called a stormwater quality basin. He said that he did not know of two basins within 70-ft. of the house only one that he was aware of in the rear of the yard on lot #5. He explained that there is an existing lot that has a basin too. Steve informed Ms. Davis that the Town Engineer closed the Public Hearing and they will be sending the C.B. a Findings report to let them know what the applicant is required to do.

Ms. Davis said that the reason for the stormwater quality basin being located in the area near the house is because of the requirements associated with the DEP. Mr. Woelfle explained that there are certain rules and regulations that the DEP has to follow such as setback from wells, septic systems, perc factors, wetland buffers, fertilizers, and also it has to be located in an area that can be drained by gravity. Mr. Woelfle also explained that the DEP had to consider the fact that the reservoir was a little over 300-ft. downstream (downhill) so the applicant could not have the basin closer than that to the reservoir.

Chairman Meixner opined that in other words they should not have subdivided that piece of property.

Ms. Davis said that she asked about fencing, because that came up at the last meeting. She explained that Mr. Woelfle said that no fencing was required but the applicant could fence the basin if they think it would be a hazard for some reason. Mr. Woelfle specified that the basin was for driveway and roof run-off and any other runoff that would come from the house.

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Old Business:

B) Crecco/WAP:

Board member Shoshana Hantman advised the Board that she remembered Charles saying that the lot with the basin was located on lot #2 not #5. She mentioned that she no longer had the plans, but that is what she remembers. What is a basin, she asked? Is it a large hole with water in it? Because that is what Charles and I saw.

Chairman Meixner said that it should incorporate drainage outlets from the development and every so often it should be cleaned out (every couple years).

There was a discrepancy in information said Ms. Davis because Steve said that there was a topographical plan, but apparently the C.B. did not think that there was. Steve Woelfle confirmed that there was no tree plan as it was his job to go out in the field and mark the trees that would be affected by the development. Ms. Davis was wondering why it is his job to mark the trees in the field? Why wouldn't the applicant have to do that?

Board member Moriarty commented that the other towns he works with have the applicant hire an independent engineer and they have to pay for it. He mentioned that he had never heard of that practice where the Assistant Engineer goes out into the field.

Chairman Meixner commented that it is mentioned in the Town Code that the applicant has the responsibility of making sure that job is done.

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Old Business:

C) Crecco/WAP:

Ms. Davis informed the Board that Mr. Woelfle said that the Town Engineer has 17 items in the Findings Statement that the applicant has to follow. He explained that the Conservation Board would be getting a copy of that document next week sometime. At that time the C.B. can determine if the applicant will be required to do as we suggested.

Ms. Davis said that she could go downstairs and get the map so that Shoshana could review it for the location of the lot in question.

Ms. Hantman responded affirmatively and said that she thought she would be able to identify the lot in question where the basin was located.

Ms. Davis informed the Board members that after taking notes on the conversation she typed up a report for the Board's use that she copied for the meeting tonight.

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Report:

LOCATION:

- Young Road, 1500-ft. north of Elmer Galloway, off Rte. 100

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Old Business:

B) Crecco/WAP:

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ISSUES TO BE DISCUSSED:

- Why is stormwater basin so close to the home (50-70-ft.)?
- Involves (3) lots- 1 existing lot

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REPORT:

- Phoned PB/Steve Woelfle (Asst. Engr.) 11-24-08
- There is a basin on Lot #5 in the rear yard area about 70-ft. from the home.
- Public Hearing was closed and Town Engineer Gagne will send a findings report.
- DEP reviewed the application and had to consider the following for the stormwater quality basin:
 - Setbacks for wells, septic systems, perc factors, wetland buffer, fertilizers, etc.
 - The area has to drain by gravity. No fencing is required, but it can be fenced.
 - The Reservoir is located 300+ ft. downstream

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Old Business:

B) Crecco/WAP:

- The basin is for the driveway and roof run-off, etc.
- Asst. Engr. Woelfle will mark the trees in the field.
- According to Mr. Woelfle there was a topographical plan but no tree plan submitted.
- Mr. Woelfle said that Town Engineer Gagne has 17 items for the applicant to do in the Finding Statement, which will be released in the near future. A copy will be forwarded to the Conservation Board.

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The Board members took no further action at this time.

- C) Joint Board Meeting/Conservation Board & Planning Board/to discuss the Trailway at JFK High School with reference to the pending application before the PB for St. Joseph's Church relocation:**
The Conservation Board members discussed the Trailway at JFK High School and the pending Joint Board meeting with the Planning Board to discuss their recommendations.

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Old Business:

C) Joint Board Meeting:

Board member James Moriarty explained to the members that there are many obstacles associated with easements located on private property. Once the Board can get to the point where everyone involved is in agreement with the easement then more challenges will begin. The major obstacles as he sees it are title, title insurance, the deed, and the county deed submittal, the meets and bounds, the maintenance and insurance.

Dr. Edward Merker referenced the fact that the County has appropriated a million dollars for this work

Yes, said Mr. Moriarty and maybe the County would be more favorable because that is one of the major obstacles.

Mr. Moriarty specified that these Trailway locations interact and that is where it can run into the vehicle and traffic issue.

Dr. Merker said that he could see what Jim is talking about and the Trailway couldn't go through the middle of the property. He went on to say that where he can see the problem arising is that if the Trailway hugs the property line the concern would be where it crosses the driveway as that is the access to the property.

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Old Business:

C) Joint Board Meeting:

Chairman Meixner said there would also be a problem with the State DOT because they would be an involved agency.

Even though they may be an involved agency said Dr. Merker the fact is that the North County Bike Trail crosses many public roads.

Board member Hantman advised that it cut across Rte. 100.

Does it cross any private roads, said Dr. Merker?

Chairman Meixner said that it crosses Rte. 118 and many private homes both in Yorktown and Somers.

Dr. Merker said that those areas still have that easement (for the railroad) they never lost it, and never let it become absorbed into private property (as was done at JFK). He went on to say that it would be interesting if the Trailway could travel around the circumference of the JFK grounds on the New York City watershed property.

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Old Business:

C) Joint Board Meeting:

Ms. Davis asked if permission would have to be obtained from the watershed council?

Board member Merker responded in the affirmative and said that it would be very difficult.

Mr. Moriarty agreed that it would be difficult to obtain permission from the New York City Watershed.

Chairman Meixner said sometimes it is difficult but then it really depends on what you are asking. They would have to spend money on the bridge. In fact they just refurbished the one that goes over the reservoir. Don't you think that they would need to repair it?

Dr. Merker said that he did not think that it was in such bad shape. He mentioned that he travels that area quite often.

Board member Hantman asked if it could be re-claimed (even though it is not part of this plan).

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Old Business:

C) Joint Board Meeting:

Dr. Merker referenced that the land is there they would just have to construct a large pipe under the Trail in that area instead of the open drainage ditch that is there now. As a point in fact that part of the Trail was washed out apparently from the High School runoff and would have needed to be reconstructed anyway. Whoever did the work placed large stones back there and it is very difficult to ride a bicycle over it.

Ms. Hantman said that maybe the Board should make fixing that situation a priority in 2009.

Board member Merker said that if the County wants to do it then they could do it, but be aware that they cannot put dirt on top of the rocks until they put a drainage pipe under it.

Ms. Davis asked if that was part of this project or something new?

Dr. Merker said, yes it is part of this project, as the County wants to extend the Trailway to Lovell Street.

Chairman Meixner said that they want to go to Baldwin Place eventually.

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Old Business:

C) Joint Board Meeting:

Dr. Merker said that there might be money appropriated for this kind of “green” activity with the new administration.

Chairman Meixner said that to his knowledge they want to take care of transportation issues.

Ms. Hantman mentioned that it would make up for the lack of sidewalks.

Board member Merker said that there is a possibility of doing that in Somers. He explained that he envisioned all of the Trails hooking up all of the Schools and the town centers.

Ms. Hantman added, in place of sidewalks.

Dr. Merker agreed and said instead of sidewalks on the roads, trails in the woods.

Board member Moriarty also agreed and said that now is the time to do it, before it is too late as it is getting more developed. We are right on the edge now (of having no land to use).

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Old Business:

C) Joint Board Meeting:

Ms. Hantman said that maybe the C.B. should articulate that concept.

Dr. Merker confirmed that it should be one of our goals. He noted that it is not an official purview of the Conservation Board, but he thought that it is a good idea.

Discussion ensued among the Board members with reference to the proposed location of the Trailway near JFK High School and whether or not it is feasible to attempt to get the applicants (JFK High School/St. Joseph's Church) to allow the Trailway access somewhere on the property.

Dr. Merker responded to Ms. Davis and said that the Conservation Board should wait until after Thanksgiving for the Planning Board to answer the memo. He went on to say that he thought that Ms. Davis should phone Chris Foley (who is currently on the Planning Board and was a former Conservation Board member) and see what he suggests or if he can help this situation move forward expeditiously.

The Board members took no further action at this time.

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Old Business:

- D)** Brief Discussion among the C.B. members regarding Wright Court and the guests who will be attending the next Conservation Board meeting:
Chairman Meixner informed the Board members that there will be a guest speaker at the C.B. meeting on December 9, 2008 to discuss Wright Court (Messrs. John Kellard and Powers Taylor).

Chairman Meixner inquired about Dr. Lapetina attending the meeting next week as the guest speakers will be discussing Wright Court and Dr. Lapetina had made some recommendations regarding the plantings on the property. He commented to the Board members that it would be beneficial if Dr. Lapetina could be available for the next meeting of the Conservation Board.

- D)** Brief Discussion Wright Court:

Ms. Davis responded that as far as she is aware Dr. Lapetina would probably be attending the meeting next month. However, she noted that there had been no conversation regarding that issue between herself and Dr. Lapetina to date.

Chairman Meixner said that he and former Board member Arnold Guyot had reviewed the Wright Court application in the past and had some comments that were sent in a memo to the applicant.

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Old Business:

D) Brief Discussion/CB/Wright Court:

C.B. Secretary Ms. Davis advised Chairman Meixner that Board member James Moriarty had also performed a review on the property and the Conservation Board had written a memo highlighting some of the concerns of the Board. This memo had been forwarded to the Planning Board.

Chairman Meixner mentioned that he hoped there would be a good turnout of the Board at the next meeting (December 9).

The Board members took no further action at this time.

New Business:

A) Conservation Board Goals for 2009/C.B. Discussion:

The Conservation Board members asked that this item be carried over to the next agenda so that they could have some time to think about it and prepare a response.

The Board members took no further action at this time.

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There being no further business to discuss, a motion to adjourn was made at 9:00 PM by Board member Dr. Edward Merker and seconded by Board member Shoshana Hantman. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on December 9, 2008 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on December 23, 2008 and January 13, 2008 respectively.

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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