

**CONSERVATION BOARD  
MINUTES OF MEETING  
AUGUST 26, 2008**

The August 26, 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, Gary Meixner

Absent: Gloria Rosenzweig

**Guests:** None

**Announcements:**

Board member Dr. Frank Lapetina informed the C.B. Secretary Ms. Davis that he has one Administrative Steep Slope Alteration Permit report for the Conservation Board.

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**Announcements:**

Board member Gloria Rosenzweig phoned the C.B. Secretary and informed her that she would not be able to attend the meeting tonight.

**Approval of Minutes:**

A motion was made by Charles Friedberg and seconded by James Moriarty to approve the minutes of the August 12, 2008 regular meeting of the Conservation Board. All members present approved.

**Old Business:**

**A) Planning Board/Site Walk/September 20, 2008 (weather permitting):**  
(CF)

9:10AM

*Mitchell Preliminary Subdivision & Steep Slopes Permit  
TM-16.09-1-9/Application of Gary Mitchell for property  
located on West side of Tomahawk St. for proposed 4-lot  
subdivision, three are new building lots, one existing lot.*

A brief discussion took place among the Board members with reference to the Mitchell Preliminary Subdivision and Steep Slopes Permit.

Board member Charles Freidberg volunteered to go on the Planning Board site walk for the Mitchell Preliminary Subdivision and Steep Slopes Permit.

The C.B. Secretary noted that Board member James Moriarty has performed a site inspection of the Mitchell property for the C.B. and had given a report previously. Also, the Board sent a memo to the Planning Board at that time.

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**Old Business:**

**A) Planning Board Site Walk/Mitchell Subdivision: (cont'd)**

Mr. Friedberg requested that the C.B. Secretary Ms. Davis email him the information available on the Mitchell Subdivision (C.B. memo #08-41) so that he would be advised of the particulars concerning the Conservation Board for the site inspection with the Planning Board.

The Board members took no further action at this time.

**B) CB Budget 2009/Draft for Approval at Meeting/six cc's due Finance by September 2, 2008//also--need from CB members brief description of 2008 accomplishments and 2009 goals:**

C.B. Secretary Ms. Davis distributed the proposed Conservation Board Budget for 2009 to the Board members (in their packet).

A brief discussion ensued among the Board members with reference to the limits of the Conservation Board budget for 2009.

Chairman Meixner pointed out that some money was put aside for schooling and assured the Board members that the Town Board could add to that figure if necessary (as they had agreed to in the past years) just in case the amount was not sufficient to educate the Board members.

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**Old Business:**

**B) C.B. Budget for 2009: (cont'd)**

The Conservation Board members reviewed the proposed budget and acknowledged the totals. The members discussed the line items and referenced the fact that they were not allowed to add anything more to the new budget for 2009 than was existing on the former budget for 2008.

As such the Board members unanimously agreed to pass the budget, while stating that they virtually have no choice in the matter of total expenditures that relate to the Board's budget for 2009 as the amount cannot be increased.

Therefore, the C.B. members present at the meeting (all) unanimously passed the Conservation Board's 2009 budget.

The Board members were also requested to compile a Report on their 2008 Accomplishments and 2009 Goals by Supervisor Murphy.

Discussion ensued among the Board members with reference to the past year Conservation Board 2008 Accomplishments and 2009 Goals (as was requested by Supervisor Murphy in her memo dated July 18, 2008).

After much discussion the C.B. decided to generate the following report/s for the Town Board and Finance Department:

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**Old Business:**

**B) C.B. Budget for 2009: (cont'd)**

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**CB -- 2008 ACCOMPLISHMENTS:**

- 1) The newly appointed Conservation Board members are proving to be an asset to the Board.
  
- 2) The C.B. membership was down for some time this year.
  - Despite a the lack of a full complement of the Board the C.B. was able to handle all of the reviews in a timely fashion.
  
- 3) A compliment to our Board is the fact that the Planning Board has consistently chosen many of their new members from our group.
  
- 4) The Board members are educating and training themselves to develop their job skills appropriately for the many tasks performed (ELLA).
  
- 5) The Engineering department and the C.B. have been working hand in hand in order to improve and speed up the review process as much as practicable.
  - We enjoy a positive relationship with that department.

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**Old Business:**

**B) C.B. Budget for 2009: (cont'd)**

- 6) The Administrative Review Team meets regularly and a C.B. member is present at those meetings.
  
- 7) The Board will advise the administration that the C.B. at present (9-9-08) is down one member.

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The Board discussed the 2009 Goals for the report that would be prepared.

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**CB -- 2009 GOALS:**

- 1) The Conservation Board members will strive to have all Board members become educated (ELLA).
  
- 2) The Board members will continue to respond in a timely fashion on reviews and applications before the Board.
  
- 3) The C.B. will encourage the administration to appoint members as needed to achieve a full complement of the Board (seven members).
  - Presently (9-9-08) the Board requires one new member.

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**Old Business:**

**B) C.B. Budget for 2009: (cont'd)**

- 4) A member from the Board will continue to attend the Administrative Review Team meetings periodically as needed.
  
- 5) The C.B. looks forward to accomplishing new goals (within their purview) as needed by the Town.

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The Board members took no further action at this time.

**C) Discussion/Conservation Board/Tree Planting: (FL)**

The Conservation Board discussed the procedure for planting trees at their meeting as the subject keeps on coming up with the planting plans submitted by the applicants.

Board member Dr. Frank Lapetina gave a brief report to the Board noting that many of the planting plans submitted to the Town are incorrect with reference to the diameter and fill of the planting hole.

\*

Report:

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**Old Business:**

**B) C.B. Budget for 2009: (cont'd)**

- Dr. Frank Lapetina said that when planting a ball and burlap tree the hole should be three times the diameter of the root ball before it is filled in with at least three quarters of the original dirt that was removed.
- Generally speaking said Dr. Lapetina the root ball should be a little bit above the ground level rather than below. He went on to say that many people forget to cut the wire before planting the tree, which eventually strangles the tree.
- Dr. Lapetina commented that the fill for the hole should not be new soil as the roots will not respond properly to the change. He recommended that the back fill should be original soil from the same location or a mix of original soil and a small amount of 'new' soil.

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The Conservation Board thanked Dr. Lapetina for sharing his knowledge of tree planting with them.

The Board members took no further action at this time.

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**New Business:**

**A) Planning Board Joint Meeting/Report-August 19, 2008/w/DEP/DOT/CB,  
& other involved agencies, etc./re: St. Joseph's Church/JFK High  
School/Chairman's report from meeting: (GM)**

The Conservation Board reviewed and discussed the above Planning Board Joint Meeting which took place on August 19<sup>th</sup>.

Chairman Gary Meixner attended the Joint Meeting and gave a verbal report to the Board noting that the meeting was a Work Session.

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Report:

- The location of the proposed activity is on Rte. 138 across from the location of Best Plumbing Supply.
- Chairman Meixner advised the Board that he inquired about the trees that would be impacted and the location of the proposed septic on the property.
- Mr. Meixner specified that the County spoke first with reference to the Trailway located on the property and how it could be addressed without impact to the proposed project. He had previously submitted a two-page document entitled *Preliminary Comments of the Westchester County Planning Board SOM 08-005 – St. Joseph's Church/JFK High School* dated August 18, 2008 (which was distributed in the CB packet).

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**New Business:**

**A) Planning Board/Jt. Mtg./JFK /St. Joseph's: (cont'd)**

Board member Charles Friedberg noted that the bike trail should be accessible through the property.

- Chairman Meixner commented that the County has 1 million dollars to spend on the Trailway this year. They propose to go behind Lincoln Hall (and they brought the proposed plans to the meeting).

Board member Charles Friedberg asked about the reaction from the applicants representing JFK.

- Chairman Meixner stated that JFK said that they did not want the Trailway on their property.

Dr. Edward Merker inquired about whom was present at the meeting to represent the Town.

- Chairman Meixner said that the Town Planner, Town Engineer and Planning Board representative was there as well as the Goldens Bridge Fire Department.

Dr. Merker opined that if the County has one million dollars, shouldn't it be presented to the Somers Town Board? Who is the lead agency? Is it our Town Board or the Planning Board?

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**New Business:**

**A) Planning Board/Jt. Mtg./JFK /St. Joseph's: (cont'd)**

Dr. Frank Lapetina said that he thought the Planning Board was the lead agency.

Dr. Merker inquired as to whom is on the Planning Board according to the list attached to the County information.

Board member James Moriarty responded that Eugene Goldenberg signed the attendance list.

- Chairman Meixner noted that when he was bringing up questions about the trees our Planning Board tried to help the C.B. as the applicant did not seem to want to address any potential problems with the trees.
- Chairman Meixner went on to say that he noted (for the benefit of the applicant) that the drip line was up to the trunk of the tree on the plans submitted. He stated that if that is the case the tree will be dead in no time, as the drip line should continue out to where the canopy of the tree is located. He referenced the fact that the applicant did not want to address this issue at the meeting.

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**New Business:**

**A) Planning Board/Jt. Mtg./JFK /St. Joseph's: (cont'd)**

- Chairman Meixner explained that the applicant wants to make the area for the parking lot Unilock instead of asphalt (so the water drains through). He continued his thought stating that then a new problem arises as the oil and grease will go through the unilock pavers and into the soil possibly contaminating the water below the surface.

A discussion ensued among the Board members with reference to the proposed parking lot and the fact that Unilock pavers would not be acceptable under the circumstances. All of the Board members agreed.

Board member Dr. Edward Merker suggested that the C.B. contact the two County officials who spoke at the Joint Board meeting for the Planning Board and invite them to a Conservation Board meeting in order to discuss various issues including the bike trails.

Chairman Meixner agreed and said that he would very much like them to attend to our meeting to discuss issues relating to this application. He explained that the Board would have to first request their attendance from Mr. Jerry Mulligan (and follow the chain of command). They would have to be told whether or not they will be able to speak at the C.B. meeting.

Chairman Meixner requested the C.B. Secretary Ms. Davis to obtain the email of Mr. Jerry Mulligan from Town Planner Hull and send him a note asking Herbert Lucas and Paul Gisondo to attend a Conservation Board meeting in the near future.

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**New Business:**

**A) Planning Board/Jt. Mtg./JFK /St. Joseph's: (cont'd)**

Board member Dr. Edward Merker responded that he thought it would be a good idea to have them present at a C.B. meeting and agreed with Chairman Meixner.

Discussion ensued among the Board members with reference to the railroad right of way and the possibilities for a Trailway (bike trail) through the property.

Chairman Meixner explained that he did not know that a representative from the DOT was going to be there and they were asking questions about the right of way, etc.

Dr. Merker went on to say that the applicants propose a retention pond to be located in what is now the railroad right of way (which should be the Trailway) and the C.B. had asked that the applicant test the ground in that area for contaminants.

Board member Charles Friedberg noted that the document has that information in the application and the applicant has requested the opportunity to accomplish that activity.

Dr. Lapetina noted that the Engineer for this application is Mr. Petrucelli of Petrucelli Engineering, PC.

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**New Business:**

**A) Planning Board/Jt. Mtg./JFK /St. Joseph's: (cont'd)**

Chairman Meixner explained that the problem is the contaminants that are in the soil where the railroad bed is located and the potential of filling in an area with water where there is contaminated soil which will inevitably exacerbate the situation.

- Chairman Meixner went on to say that he spoke at the meeting and discussed the C.B.'s concern regarding the trees, the number of trees that are proposed to be removed (in particular in the proposed parking area), and protection of the trees with regards to the drip line. He also mentioned filling in of the existing pond in the front of the parcel as well as creating the retention pond (in the existing railroad right of way).

Dr. Frank Lapetina inquired about the Church in Goldens Bridge and asked what the applicants are intending to do with this site. Are they going to tear it down? He went on to say that the Church itself is beautiful, also noting that there is a Rectory building on site.

Chairman Meixner said that he did not know it was not discussed.

- Chairman Meixner informed the Board that at the meeting there was discussion about stormwater management, possibly changing some of the plans around, and potentially moving the pond. He explained that they also mentioned different options regarding the location of the Church, but noted that they were not in favor of those other locations.

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**New Business:**

**A) Planning Board/Jt. Mtg./JFK /St. Joseph's: (cont'd)**

Board member Friedberg in closing the issue asked what the C.B. was going to do next; request a report from the Town Engineer.

C.B. Secretary stated that right now the C.B. needs more information and we are going to request a report from the Town Planner and Town Engineer.

C.B. Secretary Ms. Davis responded as follows:

- Request a report (if it exists) from the Town Planner and Town Engineer.
- Email Mr. Jerry Mulligan regarding Mr. Lucas and Gisondo attending a C.B. meeting in the near future and then following up with an email to those individuals, etc.

Dr. Merker mentioned that they should be informed that the C.B. meets on the second and fourth Tuesdays of each month, the time, etc.

The Board members took no further action at this time.

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**New Business:**

- B)** Grisanti/Steep Slope Alteration/Erosion & Sediment Control/Tree Removal Permit Applications/Site Plan/Administrative, dated April 4, 2008, revised August 11, 2008, Building new one family home with attached garage, Prepared by Campbell Engineering, LLP, Sheet 6.16, Block 2, Lot 45, (Left side of Lake Drive/near intersection Butler Road):  
(FL)

The Conservation Board reviewed the above administrative application for Grisanti steep slope alteration, erosion and sediment control, and tree removal permits site plan at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, attended the Administrative Application Review Team meeting and gave a verbal report to the Board. He also submitted the Summary Sheet TM-6.16-2-45 from the Grisanti administrative review meeting.

\*

Report:

- Board member Lapetina informed the C.B. that the parcel is located off Anasville Road, on the left side of Lake Drive, near the intersection of Butler Road.
- He noted that this is an administrative review for a permit and mentioned that the driveway comes in off Lake Drive. The site is located in R-40 zoning.
- The applicant proposes a new one family house to be constructed with an attached garage. The house footprint will be 34-ft. x 72-ft.

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**New Business:**

**B) Grisanti/SSAP/Admin.: (cont'd)**

- Dr. Lapatina explained that the applicant requires a steep slope and tree preservation permit and noted that the parcel of property was wooded.
- At the Administrative Review Team meeting the Town Engineer mentioned that he suggested to the applicant that they move the house making the application administrative instead of Planning Board. The applicant acquiesced and the application became administrative.
- Erosion control (silt fence) is required for this permit and Dr. Lapetina reiterated that he agreed with the Town Engineer in this matter.
- Board member Lapetina advised the Board that the C.B. agreed (FL) with the Town Engineer to rotate the house 90 degrees. Also, the applicant should site the well location and submit a tree plan with additional trees planted on the site and a landscape plan.
- Dr. Lapetina noted that the applicant by changing that feature made the driveway shorter and saved destroying many trees.

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**New Business:**

**B) Grisanti/SSAP/Admin.: (cont'd)**

The Town Engineer agreed with Dr. Lapetina and said that the applicant would have to come back with the corrected plans as well as a tree plan before the permit can be issued.

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The Board members took no further action at this time.

Board member Lapetina submitted the following document at the meeting.

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Administrative/Summary Sheet/TM-6.16-2-45:

August 21, 2008

- Administrative Steep Slope/Erosion and Sediment Control/Tree Preservation Permit Required for the proposed house, garage septic system, and well.
- The applicant submitted plans, which revealed that a Planning Board approval was required. On the advice of the Town Engineer, the applicant has reduced the grading limits for the septic system and driveway, therefore, requiring an administrative steep slope permit instead.
- Application submitted August 15, 2008.

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**New Business:**

**B) Grisanti/SSAP/Admin.: (cont'd)**

Town Engineer:

- Rotate house 90 degrees; try shortening the driveway; eliminate road discharge to steep slopes; eliminate grading to house to preserve existing trees; maintain existing stone walls; southwest mitigation.

Town Planner:

- Town Planner Hull agreed with the comments made by the Town Engineer and the Engineering Department.

Engineering Technician:

- Install low wall at northern property line to eliminate grading and save large oak trees. Eliminate grading at the southerly property line. Low wall may be necessary. Install drywell or raingarden.

Conservation Board:

- Agrees with the Town Engineer and Engineering Technician along with rotating the house, the well and more trees on the site. (FL/8-22-08)

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The Board members will review this application again when it is resubmitted with the recommended changes.

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**New Business:**

- C)** Oskow-Schoenbrod/Wetland Activity Permit Application/Site Plan & Noted, dated October 29, 2007, revised July 18, 2008, Stone retaining wall (18" tall) for fill holdback at extended driveway), Prepared by Lennon & Witt Architects, Section 26.19, Block 1 Lot 4, (#2552 Quaker Church Road): (FL)

The Conservation Board performed a preliminary review of the above administrative application for Oskow-Schoenbrod wetland activity permit, site plan.

Board member Lapetina explained that he thought that this application was complete and he did not know of a recent revision.

Nevertheless, he said that he would review the documents and make sure there were no changes that should be discussed by the Conservation Board.

The Board members took no further action at this time.

- D)** Stonewall Builders/Lot Line Change/Lot Line Adjustment Plan dated July 30, 2007, revised May 15, 2008, Prepared by Bibbo Associates, LLP; Wetland Buffer Planting Plan (requested by the CB) dated March 13, 2008 Prepared by Pouder Design Group: (FL)

The Conservation Board will review the above Planning Board application for Stonewall Builders lot line change and adjustment plan at their next meeting.

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**New Business:**

**D) Stonewall Builders/Lot Line: (cont'd)**

Board member Dr. Frank Lapetina will review the materials submitted and give a report to the Board.

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

**E) Best Plumbing Supply/Application for Amended Special Exception Use Permit/Lead Agency Town Board, Amended Site Improvement Plan dated February 1, 2008, revised March 24, 2008, Site Improvements within the Residence R-80 District and Groundwater Protection Overlay District, Relocate 8 parking spaces; Remove 4239 sq.ft. asphalt paving; Install 3844 sq.ft. asphalt paving; Remove 10,000 gal. underground fuel tank; Install concrete curbing in parking lot; Install Geo-block pavers at truck turn around; Install landscape screening at generator and transformer area, (#49 Rte. 138/across from JFK High School): (JM/GM)**

The Conservation Board will review the above Planning Board application for Best Plumbing Supply amended site improvement plan at their next meeting.

Board member James Moriarty and Chairman Meixner will review the submitted material and give a report to the Board.

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**New Business:**

**E) Best Plumbing Supply/PB: (cont'd)**

Board member Moriarty informed the members that he walked the property and submitted a report formerly on June 2, 2008.

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

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There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member Charles Friedberg and seconded by Board member Dr. Frank Lapetina. All members present approved.

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

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Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on September 23, 2008 and October 14, 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