

**CONSERVATION BOARD
MINUTES OF MEETING
SEPTEMBER 23, 2008**

The September 23, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, Dr. Frank Lapetina, James Moriarty,
Gloria Rosenzweig, Gary Meixner

Absent: Charles Friedberg, Dr. Edward Merker

Guests: None

Announcements:

The Conservation Board would like to extend a welcome to their new Board member Shoshana Hantman.

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Announcements:

Board member Dr. Edward Merker informed the Conservation Board that he would not be able to attend the meeting tonight, although he will try.

Board member Charles Friedberg informed CB Secretary Ms. Davis that he would not be able to attend the meeting tonight.

Approval of Minutes:

A motion was made by Dr. Frank Lapetina and seconded by James Moriarty to approve the minutes of the August 26, 2008 regular meeting of the Conservation Board. All members present approved.

A motion was made by Gloria Rosenzweig and seconded by Dr. Frank Lapetina to approve the minutes of the September 9, 2008 regular meeting of the Conservation Board. All members present approved.

Old Business:

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

9:10AM

*Mitchell Prel. Subdvsn & 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.*

Board member Charles Friedberg went to the Planning Board site walk scheduled for Saturday September 20th at 9:10 AM at the Town House.

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Old Business:

A) Planning Board/Site Walk/September 20:

However, after arriving and waiting for some time he realized that the Planning Board must have canceled without informing the Conservation Board.

Mr. Friedberg emailed this information to the C.B. Secretary Ms. Davis upon his arrival home that day. He was not able to be present at the meeting tonight.

The Board took no further action at this time.

B) BVS Acquisition Co., LLC/(aka Bank of America: fka Commerce Bank); Site Plan/Planning Board, Preliminary Drawings Sheets C1-C13 dated March 12, 2008, revised July 30, 2008 Prepared by Bohler Engineering; Boundary & Topographic Survey dated April 6, 2007, revised May 1, 2008 Prepared by Control Point Associates, Inc.; Exterior Elevation/Finish Plan dated August 26, 2008 Prepared by Whidden Silver, Inc.; Sign Drawing dated July 18, 2008 Prepared by East Coast Sign Advertising, (#80/Rte. 6, Baldwin Place Mall): (JM)

The Conservation Board reviewed the above Planning Board application for BVS Acquisition Co., LLC preliminary drawings at their meeting tonight.

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

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Old Business:

B) BVS Acquisition:

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Report:

- Mr. Moriarty informed the Board that this site is located off Rte. 6 at Baldwin Place Mall.
- He explained that the site was previously developed, as there had been a gas station located there.
- Board member Moriarty noted that the anti-tracking pad that is shown on the plans has an alternate for material that is not recommended.
- The applicant displays an alternate option of recycled concrete base. The recycled concrete base will compact and will not do what it is intended to do and take the grit out of the wheels.
- The first choice is 3" clean stone, which is porous, and the mud will go through it. This would be beneficial.
- Mr. Moriarty went on to specify that in the notes they show an alternate (Erosion Control Plan C-6) it states, #1) stone *size use 2 to 3" clean stone or (alt.) reclaimed recycled concrete.* The former should be used.
- He noted that his concern is that the road is so busy there (Rte. 6) that it will bring rocks, mud and debris onto it. That is why the 3" clean stone should be used.

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Old Business:

B) BVS Acquisition:

Dr. Lapetina said that the applicant is going to close off the Rte. 6 entrance.

Chairman Meixner agreed and said that they are going to use the interior entrance.

Mr. Moriarty responded that it is the interior entrance, but by the end of the day there will be a mess on Rte. 6.

Chairman Meixner opined that the applicant probably wants to save money and use the concrete that is on site.

Board member Moriarty mentioned that most of the towns in Westchester where he does work require that the any existing grades be shown in red lines for clarity. He went on to explain that sometimes it is too confusing to read these plans and do an appropriate review without the help of the red lines; the plans can look deceiving to the reviewer with all of the lines being printed in black (existing and new).

- Board member Moriarty noted that the Town should consider red lining the existing grade to aid in the review process.
- Mr. Moriarty went on to say that as the applicant is pulling fuel tanks out of the site, the silt fence as proposed is not sufficient for this activity. They show a *3-ft. plastic fence with wooden stakes*, which is not going to last 6 months.

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Old Business:

B) BVS Acquisition:

- Instead the applicant should upgrade it by using a wire mesh and filter fabric not plastic. Also, At the low point of the property when they are pulling the fuel tanks out the applicant should have some sort of oil absorbing sands.
- Where the silt fence is proposed faces a busy roadway. Since this construction activity will be going on for about one year the applicant should place haybales behind the erosion control fencing along the perimeter of the silt fence so that the material will not end up in the road.

Issues:

- Pulling the buried fuel tanks.
- Erosion fence needs to be upgraded from proposed 3-ft wood stakes to 4-ft. steel with full wire mesh and filter fabric (not plastic type)
- Erosion fence should have oil-absorbing sand at minimum (during tank pulling) at low point of site.
- The proposed silt fence is not acceptable. There could be a mud and debris washout onto Rte. 6. The erosion fence should be backed with staked haybales for the full length of the fence.
- The construction entrance options are not acceptable.

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Old Business:

B) BVS Acquisition:

- The recommended 2 to 3-inch clean stone for 50-ft. x 12-ft. is fine, but the document says “or” recycled concrete, which is cheaper.
- The concrete has dust and grit, which will compact to defeat the purpose of a porous surface to trap dirt (like the first choice).
- The Board should recommend showing existing grade lines in red for clarity.

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Chairman Meixner noted that the haybales should be changed periodically because they don't last more than a couple of months.

The Board discussed the application among them and decided to write a memo to the Planning Board stating their recommendations. They agreed with Mr. Moriarty that the redlining would be helpful.

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A memo (#80-46) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for BVS Acquisition Co., LLC site plan, preliminary drawings at their meeting on September 23, 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:

B) BVS Acquisition:

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

- 1) While pulling the buried fuel tanks:
 - Erosion fence should have oil-absorbing sand at minimum (during tank pulling) at low point of site.

- 2) The erosion fence needs to be upgraded from proposed 3-ft. wood stakes to 4-ft. steel with full wire mesh and filter fabric (not plastic type).

- 3) The proposed silt fence is not acceptable.
 - There could be a mud and debris washout onto Rte. 6.
 - The erosion fence should be backed with staked haybales for the full length of the fence.
 - The haybales should be changed at regular intervals.

- 4) The construction entrance option is not acceptable.
 - 2 to 3-inch clean stone for 50-ft. x 12-ft. is fine, but the document says “or” recycled concrete (which is cheaper).
 - The concrete has dust and grit, which will compact to defeat the purpose of a porous surface to trap dirt (like the first choice).

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Old Business:

B) BVS Acquisition:

- 5) The Board recommends that the applicant show existing grade lines in red for clarity (on this application as well as future submissions).

The Conservation Board will continue to review this application for BVS Acquisition Co., LLC as revisions are submitted.

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The Board members took no further action at this time.

C) Alexan Somers Woods/Conceptual Site Plan & EAF/Planning Board, Sheet 17.15, Block 1, Lots 15.1, Applicant is seeking a petition to a Zoning Map Amendment for the expansion of the existing NS District to encompass a portion of the site; Approval of a Preliminary Development Concept Plan under the MFR-H District; Expansion of the Heritage Hills Sewer and Water Districts, Subject Site is 26.68 acres in size, undeveloped and located in the R-40 & R-80 Districts, (Rtes. 100 (west side) & 202 (south side), in Hamlet): (JM)

The Conservation Board reviewed the above Planning Board application at for Alexan Somers Woods conceptual site plan and EAF 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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Old Business:

C) Alexan Somers Woods:

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Report:

- The parcel of property is located on Rte. 100 and 202 in the Hamlet of Somers and is comprised of 26 acres.
- There is a gradual slope at the proposed main housing area.
- There is a heavy slope at the proposed road near CVS back doors, near the loading area. A serious retaining wall will be needed for a 45-degree grade drop down.
- There are no significant tree specimens, mainly second growth forest, previous pasture, and farmland.
- An old pasture wall is located in the back of the existing lot (300-ft. long by 4-ft. high).

Issues:

- Upon site inspection it was noted that major excavation is going on with no posted permit.
- There are poorly installed erosion fencing with piles of mud; around 65 cubic yards piled up on the site now with a tarp under it.

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Old Business:

B) Alexan Somers Woods:

- Also present is a hazardous 5-ft. deep water in retention area with no fencing around it; which is potentially very dangerous.
- The 4-ft. diameter drainage pipe into the retention pond has no safety grate to prevent entry. Normally it should have a rebar grid, but there is no such feature.
- There is 25-ft. difference in grade so how will the proposed roadway be installed?
- The Board recommends showing existing grade lines in red for clarity.

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The Board members reviewed the plans, which displayed 16 major buildings that are split up around the property.

Chairman Meixner asked if they were going to be condominiums or apartments?

Board member Moriarty said that it looks like condos.

Chairman Meixner said that the plans exhibit 118 multi-family units with 18 affordable.

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Old Business:

C) Alexan Somers Woods:

Board member Moriarty said that it is 118 multi-family units with 19 affordable.

Dr. Lapetina remarked that there are major wetlands located on this parcel of property that he saw when he last visited the site.

Chairman Meixner agreed.

Board member Hantman inquired about the zoning in the area and asked if it was different in this area then in other areas of Somers.

Chairman Meixner said that it was quarter acre zoning. He went on to explain the zoning practices in Somers to Ms. Hantman so that she could get a better understanding of what could be done.

After much discussion by the Board they decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#08-47) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Alexan Somers Woods conceptual site plan & EAF at their meeting on September 23, 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) Alexan Somers Woods:

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

- 1) A site visit exhibited the fact that major excavation has taken place on this parcel with no posted permit.

- 2) There is poorly installed erosion control fence around piles of mud.
 - There are 65 cubic yards piled there now with a tarp under it.

- 3) A site visit showed hazardous 5-ft. deep water in the retention area with no fencing around it.
 - This situation is potentially very dangerous.

- 4) The 4-ft. diameter drainage pipe into the retention pond has no safety grate to prevent entry.
 - Normally it would have a rebar grid.
 - There is no such feature.

- 5) As there is a 25-ft. difference in grade, how will the proposed roadway be installed?

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Old Business:

C) Alexan Somers Woods:

- 6) The Board recommends that the applicant show existing grade lines in red for clarity (on this application as well as future submissions).

The Conservation Board will continue to review the above application for Alexan Somers Woods conceptual site plan and EAF as revisions are submitted.

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The Board members took no further action at this time.

D) Discussion on Historic Preservation Commission Legislation:

Dr. Frank Lapetina noted that Town Planner Hull in her recent memo agreed with the recommendations of the Conservation Board on not creating another branch of government.

C.B. Secretary Ms. Davis added for the benefit of the new member that it would be called the Historic Preservation Commission and the Board, after discussion at their meeting felt that it would be too much legislation.

Chairman Meixner said what do we have now a Board?

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Old Business:

D) Discussion/Historic Pres. Com.:

Ms. Davis responded that there is presently a Historical Society and a Historic Landmarks Committee.

Chairman Meixner explained to the new member Ms. Hantman that the town wanted to add another branch of government thus making it three entities controlling Historic Properties, which seems like overkill.

Ms. Davis explained that the Planning Board Secretary Ms. Murphy had told her previously that the Planning Board was not in favor of creating this commission.

Chairman Meixner said that the Board would try to catch her up on recent developments as they arise.

Ms. Hantman responded that she is soaking it in.

Ms. Davis informed Ms. Hantman that the newly proposed legislation would change many things in town including dictating to private property owners what can and cannot be done on their property/home, etc. One of the things that it would legislate would be to tell a homeowner that they could not live in their house if it is not in good condition, etc. The Commission would potentially have a lot more power than the other two entities (that exist presently).

Ms. Hantman responded that many towns with Historic Districts have such rules.

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Old Business:

D) Discussion/Historic Pres. Com.:

Ms. Davis explained that this legislation was proposed for town-wide use not for the Historic District. The Town already has a Historic District this proposes a Historic Commission to legislate on the resident's town-wide.

Ms. Hantman asked if it would have power over the decisions regarding such property as the New Rochelle house that was knocked down that Mr. Moriarty restored (if it were located in Somers)?

Board member Moriarty responded affirmatively.

Ms. Hantman went on to ask if such a Commission would have the power to stop that from happening?

Mr. Moriarty responded that yes, they could definitely infringe on the rights of private property owners.

Dr. Lapetina specified that the other part of the issue is that it was redundant there are already two different functioning bodies that address the same concerns.

Ms. Hantman questioned whether the town could stop someone from destroying a house?

Dr. Lapetina responded technically, yes.

Ms. Hantman said that this was very interesting and noted that she liked houses as much as she liked trees.

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Old Business:

D) Discussion/Historic Pres. Com.:

Ms. Davis said that there is a lot of information in the proposed legislation, they just simplified it, but there is much more and she could make her a copy of the document if she would like.

Ms. Hantman said that she would be very interested, thank you.

Dr. Lapetina explained his original point that what had happened was that there was a notice that went to all of the Boards asking their opinion of initiating such a Commission and we as a Board responded that we were not in favor of it and then Sabrina sent a memo which essentially said the same thing.

Chairman Meixner said that the system in town is already clogged and the town is trying to work out a process whereby it flows more streamlined because it is taking the average homeowner too long to do anything and it is costing too much money. They are going from one Board to another Board and so on.

Board member Hantman said that they should divide up the responsibilities so that you don't have to do that, such as one Board in charge of esthetics, etc.

Board member Rosenzweig asked where this proposed legislation started?

Ms. Davis responded that Sabrina was trying to ask that question in her memo and to my knowledge no one has taken the responsibility for it except for some mention of the Town Attorney.

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Old Business:

D) Discussion/Historic Pres. Com.:

Ms. Davis explained to Ms. Hantman that the legislation is in the hands of the Town Board, they merely ask the advice of the Boards currently functioning in town and then they decide what they are going to do.

Dr. Lapetina inquired as to whom is Town Attorney Holt. She is in the July 23rd Minutes of the Planning Board?

Ms. Davis said that if she is called that then maybe she is there to consult with the Planning Board on matters pertaining to the law. She probably belongs to the firm that represents/advises the town and then works with the Planning Board specifically. Maybe there are several Attorneys that are handling the town because it is probably overwhelming for one person (too many meetings, too much time, etc.).

E) Tree Ordinance/Fees/Revenue:

Board member James Moriarty brought up the fact that other towns in the Westchester have heavy fees for trees that are being cut and that would be a potential good source of revenue for the town.

Mr. Moriarty said that he was just working in New Rochelle and on a half acre of property and they had to pay \$27,000.00 in fees for the trees that they took down. He said that it would be a good income source if we matched what other towns do.

Dr. Lapetina said that he would prefer if they did not cut down the trees.

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Old Business:

E) Tree Ordinance/Fees/Revenue:

Board member Rosenzweig noted that in most cases the trees are coming down anyway.

Mr. Moriarty specified that what he did was save a substantial amount of trees because the original bill was around \$60,000.00. Therefore, inadvertently, it ends up saving trees because the developer will try harder to avoid cutting the trees when they cost that much. He noted that he saved the applicant a potential \$33,000.00 by better planning.

Board member Moriarty said that he would contact the Town Supervisor and let her know the situation in case she would be interested in revenue for the town (on his own-not having to do with the CB).

Discussion ensued regarding the trees that were cut on Moseman Avenue, near Pinesbridge Road. Ms. Hantman said that there were a large amount of trees taken down just up the road from her towards Rte. 100. She mentioned that it was in Somers.

Chairman Meixner said that it would have to be approved and it probably was an old subdivision from years ago.

Board member Hantman said that she would ask the Planning office about it as soon as she has the opportunity.

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Old Business:

F) Discussion/re: Baldwin Place/Pollution/Wells:

The Conservation Board briefly discussed the past water problems and the present water situation in the Town of Somers.

Chairman Meixner mentioned that he thought that the fuel tanks might have been removed from the old gas station.

Board member Moriarty said that he thought they were still in the ground.

The Board members briefly touched upon the problems associated with Baldwin Place in the past regarding poisoning of the wells with dry cleaning fluid or a similar substance. He explained that they are still cleaning the water in that area by aeration. Now the water in the area comes from another source.

Chairman Meixner noted that the wells were going dry in Lincolndale when the Preserve on Rte. 118 turned on their high powered pumps to fill their water tank.

Mr. Meixner informed the Board that he thought that the Preserve was no longer using the wells on the property. He said that he thought the Preserve was now linked to the sewer system at the present time.

The Board discussed the aquifer near IBM and the usage being less than what it was intended to be at the time.

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New 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 will review the above Planning Board application for Crecco, wetland activity, erosion & sediment control, and tree preservation permit at their next meeting.

Chairman Gary Meixner and Board member Shoshana Hantman 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.

- 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 will review the above Planning Board application for Meadow Ridge Homes, Marques lot line change, and preliminary subdivision at their next meeting.

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New Business:

B) Meadow Ridge Homes:

Board member Gloria Rosenzweig 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) 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, off Rte. 100): (JM)

The Conservation Board will review the above Planning Board application for Roche wetland activity permit, site plan at their next meeting.

Board member 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.

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New Business:

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

Board member Dr. Frank Lapetina 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.

There being no further business to discuss, a motion to adjourn was made at 9:15 PM by Board member Shoshana Hantman and seconded by Board member Gloria Rosenzweig. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on October 14, 2008 at 7:30 PM.

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Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on October 28, 2008 and November 11, 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