

**CONSERVATION BOARD
MINUTES OF MEETING
APRIL 14, 2009**

The April 14, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Dr. Frank Lapetina, Dr. Edward Merker, Jim Moriarty,
Gary Meixner

Absent: Charles Friedberg, Shoshana Hantman, Gloria Rosenzweig

Guests: **Open Space Committee**/Michael Barnhart
Rick Morrissey, Gail Simpson, Jan Antonucci,
Lauretta Jones, Jeanette Gerfin

Announcements:

Board member Gloria Rosenzweig phoned C.B. Secretary Ms. Davis and informed her that she would not be able to attend the meeting tonight. She asked that Omnipoint be taken off the Agenda.

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Announcements:

Board member Charles Friedberg emailed C.B. Secretary Ms. Davis and said that he would not be able to attend the meeting tonight.

Board member Shoshana Hantman emailed C.B. Secretary Ms. Davis and said that she 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 March 24, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Dr. Frank Lapetina made changes to the minutes dated March 24, 2009 on pages 15 and 18.

Board member James Moriarty made changes to the minutes dated March 24, 2009 on pages 15 and 17.

Old Business:

- A)** C.B. Goals for 2009/C.B. Discussion/Copy Report-CB, revised January 27, 2009/C.B. to start working on these goals: (CB)
The Conservation Board members tabled discussion of the 2009 goals until their next meeting.

The Board members took no further action at this time.

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Old Business:

- B)** C.B./Street Map of Somers/Zoning Map from Town Clerk Pacella: (GR)
(CF/SH/FL/EM/JM/GM)
Conservation Board Secretary Ms. Davis informed the Board that she was asked by Board member Rosenzweig to hold the above street map/zoning map for her until she returns to the meeting.

The Board members took no further action at this time.

- C)** Omnipoint Communication/@ Somers Commons/Site Plan/Planning Board, Title Sheet T-1 revised 1-29-09; Plot Plan & Property Owners List C-1 revised 1-27-09; Setback Plans C-2 revised 1-29-09; Site Plan & Site Detail Plan C-3 revised 1-29-09; Partial Site Plan C-3A revised 1-27-09; Elevation & Details C-4 revised 1-29-09; Equipment Plan & Details C-5 revised 1-27-09; (Somers Commons, #80 Rte. 6): (GR)
Board member Gloria Rosenzweig asked C.B. Secretary Ms. Davis to have the Board remove this item from the Agenda.

The Board members requested Ms. Davis to remove this item from the Conservation Board agenda.

The Board took no further action at this time.

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Old Business:

D) North End at Somers/Site Plan/Planning Board/Update for Conservation Board members/parking/garage: (GR)

The above item has been carried over until Board member Gloria Rosenzweig can give the members a brief update on the site plan for this application with reference to the number of parking spaces and the proposed garage (underground).

The Conservation Board members tabled discussion on this item.

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

E) Omnipoint Communications/at Somers Commons/Site Plan Approval/Planning Board; Pictures; Title Sheet (T-1); Plot Plan & Property Owners List (C-1); Setback Plans (C-2); Site Plan & Site Detail Plan (C-3); Partial Site Plan (C-3A); Elevations & Details (C-4); Equipment Plan & Details (C-5), Prepared by Tectonic Engineering & Surveying, PC, (Somers Commons/#80 Rte. 6): (CF)

The Conservation Board will review the above Planning Board application for Omnipoint Communications at Somers Common's site plan at their next meeting. Discussion on this item was tabled until that time.

Board member Charles Friedberg 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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Old Business:

F) Westchester Bike Summit/document sent by Supervisor Murphy and dated 2-18-09 & sponsored by East Coast Greenway/re: Meeting Tuesday April 7 from 3PM to 8PM at County Center, White Plains: (EM)

This event is supported by the Westchester Community Foundation and sponsored by the East Coast Greenway. They are trying to piece together a 3,000-mile off-road pathway from Florida to Maine that would connect cities and towns along the eastern seaboard. Other sponsors are Westchester County and the Westchester Cycle Club.

The above scheduled meeting took place on April 7, 2009 and Dr. Edward Merker was in attendance and gave a report to the Board.

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Report:

- Dr. Merker said that the Bike Summit was very informative and he made several contacts concerning the Mahopac Branch Trail and the development of the Trailway in general.
- He informed the Board that Herbert Lukas was at the meeting and he had the opportunity to speak with him regarding the extension of the Trailway.
- Dr. Merker also explained that there were people at the meeting representing Company's who make bike housing (they fold over the bike for protection) and bike pods at the train station including many innovative issues.
- Board member Merker mentioned that County Executive Spano was in attendance and he spoke about the bike racks and pods and the fact that he would like to see them installed at the train stations, etc.

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Old Business:

F) West. Bike Summit:

- Because of this meeting Dr. Merker said that there is going to be another group that will continue the Bike Summit. It will be a walking/Bike Committee for Westchester County and they will be getting together in the future to continue working on various issues.

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Discussion ensued among the Board members with reference to the Summit and the Trailway and various other issues pertaining to this subject matter.

The Board members took no further action at this time

G) Omnipoint Communications/at Towne Centre at Somers/Site Plan Approval/Planning Board; Wetlands Permit; Groundwater Protection Overlay District special permit to install a wireless telecommunications facility disguised as a flagpole together with related equipment at the base thereof, revised March 9, 2009; Pictures; Title Sheet (Z-1); Amended Site Plan & Bulk Requirements (Z-2); Enlarged Site Plan & Landscaping Plan (Z-3); Compound Plan, Elevation & Details (Z-4); Secondary Pole Location Site Plan (Z-5); Wetland Buffer Mitigation Planting Plan (Z-6), Prepared by On Air Engineering, LLC (#325/Rte. 100): (FL)

The Conservation Board reviewed the above Planning Board application for Omnipoint Communications at Towne Centre at Somers site plan at their meeting.

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Old Business:

G) Omnipoint/Towne Centre:

Board member Dr. Frank Lapetina reviewed the materials submitted and gave a report to the Board.

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Report:

- Dr. Lapetina informed the Board that on Saturday there is a Planning Board site walk that will include this application and the Backman application.
- He mentioned that originally the applicant was asked to produce an alternate site location, but subsequently it was decided that the proposed location was the best site for the tower.
- Board member Lapetina explained that there are pictures of the proposed flagpole included in the materials submitted. He exhibited the various poles and noted the visibility of the pole from the road. He also displayed pictures of the proposed choice of colors that were being considered for the flagpole itself.
- He informed the Board that the applicant was asked to consider an alternate site, but they are not going to use the proposed alternate location. The proposed alternate location is on property that is slated for development.

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Old Business:

G) Omnipoint/Towne Centre:

- Dr. Lapetina advised that there would be no roadway behind the CVS building going to the back area. He showed the Board members the plans submitted so that they would be able to see the details he was discussing.

Dr. Merker asked if it was located in the parking lot?

- Board member Lapetina responded that it is not located in the parking lot. He went on to say that the applicants are clearing the area, which is flat ground and they will be pouring concrete for the pad for the cell tower.

Dr. Merker inquired about the double line that goes around the perimeter of the property and asked if it was an easement.

- Dr. Lapetina specified that there is an existing utility transformer located on the property and there is an existing easement. He also noted that there is a telephone box.
- He explained that the applicants revised many of the things that were recommended by the Board including the siting of the trees and the planting of larger trees to hide the bottom of the tower. He noted that the applicants revised many of the items that they were asked to do by the Board.

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Old Business:

G) Omnipoint/Towne Centre:

Dr. Merker inquired about whether or not the applicant put steel stakes.

- Board member Lapetina responded yes, and noted that they are doing a good job with the tree plantings. He pointed out that there is a large drainage area where the water flows.

Chairman Meixner mentioned that it is located in the wetland buffer.

- Dr. Lapetina informed the Board that he would not be able to attend the Planning Board site walk on Saturday, but he was confident that the changes the applicant made were good ones.
- Board member Lapetina when on to say that the applicant intends to plant the following trees/shrubs: Dogwood (5); Spruce; Norway Spruce (5); Serviceberry; Black Choakberry (4); Arrow-wood; Nannyberry (a form of viburnum).

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The Board members took no further action at this time.

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Old Business:

- H) St. Joseph's Church/JFK High School/Site Plans/Planning Board; Letter of Transmittal dated 3-17-09; Full EAF; NYSDEC Information; DVD; Proposed Church, Gymnasium, Classrooms & Site Improvements dated November 3, 2009 revised March 14, 2009, Prepared by Harry Baker & Associates; Phase I Cultural Resource Investigation, dated November 28, 2007, Prepared by Joseph Diamond, PhD.; Stewart Title Insurance Company documents dated October 9, 2007 and June 14, 2007; Geo-Technical Soil Investigation Report dated November 19, 2007, Prepared by Advance Testing Co.; Wetland Delineation Report dated May 5, 2008 revised December 29, 2008, Prepared by Michael Nowicki, Ecological Solutions, LLC; Wetland Functional Evaluation Report dated February 27, 2008 revised December 29, 2008, Prepared by Michael Nowicki, Ecological Solutions, LLC; Traffic Study, Prepared by Harry Baker & Associates; Stormwater Pollution Prevention Plan & Drainage Analysis w/NYSDEC Notice of Intent dated December 2008, Prepared by Hudson Engineering & Consulting, PC; Associated Plans Prepared by Petrucelli Engineering, (Rte. 138/across from Best Plumbing): (EM)
The Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School site plan at their meeting.

Board member Dr. Edward Merker reviewed the materials submitted and gave a report to the Board.

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Report:

- Dr. Merker informed the Board members that the applicants are installing several raingardens in the front area of the proposed Church.
- He advised the Board that the applicants made a large Spruce tree that is slated to be preserved the focal point of the Church.

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Old Business:

H) St. Joseph's Church:

- Further, he noted that the applicants are proposing a 100-ft. buffer area around an old Sycamore tree that is going to remain on the property. However, he explained to the Board members that the trees proposed to be taken down are within the root system of the Sycamore and he is concerned that activity in the area of the root system would in fact impact the Sycamore in a negative fashion.
- Dr. Merker discussed the preservation of the proposed trees to be taken down, i.e. number 176, 177 and 251 with regards to protecting the root system of the large Sycamore.

Discussion ensued among the Board members concerning the large Sycamore and the preservation of the smaller trees that appear to be within the root system of the Sycamore.

Chairman Meixner mentioned that the applicants do not have to disturb the root system in order to cut down the smaller trees. They could leave the root system of those trees in the ground (and not dig them up).

Dr. Frank Lapetina agreed with Gary and suggested that the applicants should grind the stumps.

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Old Business:

H) St. Joseph's Church:

Dr. Merker remarked that the applicant should at least do what Board member Lapetina suggested and he thought that a memo should be sent to the Planning Board stating this suggestion.

Dr. Lapetina asked what kind of trees they were taking down.

Board member Merker responded with the following:

Tree #176 is a 36" Hemlock

Tree #177 is a 48" Pine

Tree #251 is a 16" Pine

Dr. Lapetina said that he would not worry about taking down those particular trees.

Dr. Merker reiterated that he was not concerned about the trees slated for removal. He was concerned about the effect of taking those trees down and ripping the root system out and potentially what would happen to the large Sycamore afterwards.

Rather than excavating them out of there reiterated Dr. Lapetina maybe they could be just taken down and the stump ground with a minimal disturbance to the area as possible.

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Old Business:

H) St. Joseph's Church:

- Dr. Merker agreed and commented that concerning trees #176, 177 and 251 rather than excavation, the Board suggests that the trees be cut down and the root system ground to avoid disturbing the root system of the large Sycamore tree (#178) slated for preservation.

Chairman Meixner added that there should not be any heavy equipment in the 100-ft. buffer area of the Sycamore tree (#178).

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

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A memo (#09-14) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School site plan, NYS-DEC information, wetland delineation and wetland functional evaluation report at their meeting on April 14, 2009.

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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Old Business:

H) St. Joseph's Church:

- 1) The Board members are concerned about the adequate protection of the root system of tree #178 (large Sycamore) that is scheduled for preservation and being given 100-ft. buffer area by the applicant.
- 2) There are three other trees in the vicinity of tree #178 that are slated to be removed. They are trees #176, 177 and 251.
- 3) The Board members recommend that rather than excavation of trees #176, 177 and 251, the applicant consider cutting them down and grinding the stumps.
 - This endeavor will avoid disturbing the root system of the large Sycamore tree (#178) slated for preservation.
- 4) Absolutely no heavy equipment should be used in the 100-ft. buffer area of the large Sycamore tree (#178).

The Conservation Board members will continue to review this application for St. Joseph's Church/JFK High School as revisions are submitted to the Board.

The Board members took no further action at this time.

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Old Business:

- I) Anglefly Preserve Trailway Grant/Town Board Resolution adopted March 19, 2009; dated March 20, 2009; Lead Agency Town Board; Full EAF dated March 19, 2009; Trail Plan A, B, C, D, E, F; Program Work Plan; Project Schedule & Budget; Supplemental Information; Pictures; Related documents: (EM)
The Conservation Board reviewed the above Town Board resolution adopted on March 19, 2009 regarding the Anglefly Preserve Trailway Grant at their meeting.

Board member Dr. Edward Merker reviewed the materials submitted and gave a report to the Board.

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Report:

- Dr. Merker explained that the Board would like to see bicycle access from Reis Park to the Anglefly Preserve where the Community Center is eventually planned to be located.
- Consideration should be made in the future for alternate transportation purposes to extend the bike trail through Anglefly, Lasdon, Muscott to Rte. 100, which will tie into the other bike trails and eventually to the southern part of the County.

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Discussion ensued among the Board members with reference to the bike trail and the Anglefly Preserve. They examined some of the maps that were brought to the meeting by Board member Merker.

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Old Business:

I) Anglefly Preserve/Grant:

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A memo (#09-15) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Anglefly Preserve Trailway Grant and Town Board Resolution at their meeting on April 14, 2009.

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

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

- 1) The Board members would like to see bicycle access from Reis Park to the Anglefly Preserve where the Community Center will eventually be located. This type of endeavor would be a viable form for alternate access of our town facilities.
- 2) Ultimately, for alternate transportation purposes consideration should be made to extend the bike trail through Anglefly, Lasdon, and Muscott and then on to Route 100.
 - This will also enable the bike trail to extend into the southern part of the County at some time in the future.

The Conservation Board will continue to review applications associated with the Anglefly Preserve, as they become available and are submitted to the Board for comment.

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Old Business:

I) Anglefly Preserve/Grant:

The Board members took no further action at this time.

J) Environmental Leaders Learning Alliance/ELLA 2009-CB Survey forwarded to C.B. via email from M. Barnhart for Discussion by the Board/re: Action: (FL)

The Conservation Board responded to questions in the ELLA 2009 C.B. survey that was located on line and the tree ordinance.

Board member Dr. Frank Lapetina reviewed the questions submitted with C.B. Secretary Ms. Davis by phone last week and then discussed them with the Conservation Board.

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Report:

- Dr. Lapetina informed the Board members that the Conservation Advisory Council for the Town of Somers was created on February 18, 1969.
- According to the Town records the CAC became the Conservation Board on September 10, 1992, he said. In order to accomplish this they had to create an Open Space Inventory.

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Old Business:

J) ELLA/2009 C.B. Survey:

- Board member Lapetina advised that the Open Space Inventory for the Town of Somers was completed in 1991.
- Volunteers led by Mrs. Taft compiled the Natural Resources Inventory between 1977 and 1981, he said.
- He went on to say that there was no Annual Report generated by the Board in 2007 or 2008.
- The Conservation Board reviewed approximately 162 applications, including many revisions of the same application in 2008 said Dr. Lapetina.

Town ordinances that were commented upon by the Board in 2008 were the following:

- Creating an Administrative Permit Review Team with a Conservation Board member present for steep slope ordinances; adopted by the Town Board on June 12, 2008.

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Old Business:

J) ELLA/2009 C.B. Survey:

- Regarding the Tree Preservation Permit review the Conservation Board is credited for changing the Town Code to reflect the removal of 2 trees in a 12-month period rather than a calendar year.

Two successes the Conservation Board accomplished in the last three years.

- The Board succeeded in preserving the pond at JFK High School rather than having the applicant (St. Joseph's Church) fill it in for use as a ball field.
- Preservation of many of the older trees that are located on the property of the JFK High School (St. Joseph's Church) that were formerly slated for removal.

Briefly describe two challenges that the Conservation Board has faced in the last three years:

Dr. Lapetina said that he did not fill in this section on the ELLA worksheet.

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Old Business:

J) ELLA/2009 C.B. Survey:

The Board members took no further action at this time.

K) Roche/Wetland Activity Permit/Site Plan/Planning Board/Location Plan dated July 31, 2008 revised March 18, 2009, Section 6.16, Block 2, Lot 18, Prepared by Edwin O. Elliott, Jr., AIA, (#5 Butlerville Road/off Rte. 100): (JM)

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

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

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Report:

- Mr. Moriarty explained to the Board that this application was a resubmission due to corrections recommended by the Conservation Board.
- He informed the Board that the applicant addressed the three major concerns correctly.

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Old Business:

K) Roche/WAP/PB:

- The applicants changed the grade lines to red on the plans submitted; they increased the detail on the silt fencing; and altered the erosion control lines and extended them so that they can be more effective.
- Mr. Moriarty mentioned that the Conservation Board is in agreement with the revisions made to the plans submitted.

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The Board members took no further action at this time.

New Business:

A) Discussion: Joint Meeting w/Open Space Committee & Conservation Board/Michael Barnhart and four members/recent email from Board member Charles Friedberg: (CF)

The Conservation Board members held a joint meeting with the Open Space Committee prior to both of their respective meetings tonight.

In attendance from the Conservation Board were Chairman Gary Meixner, Dr. Frank Lapetina, Dr. Edward Merker and James Moriarty.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

In attendance from the Open Space Committee were Co-Chairman Michael Barnhart and Rick Morrissey, Gail Simpson, Jan Antonucci, Laretta Jones, and Jeanette Gerfin. Absent was Florence Oliver.

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Report:

Open Space Chairman Michael Barnhart opened the meeting by stating that it is important that the O.S.C. and the C.B. get to know each other's responsibilities. He advised that there was no particular agenda for this meeting merely the combined interest and concerns about the Town of Somers and to respond to any questions.

Co-Chair Rick Morrissey referenced the fact that the charge of the O.S.C. is largely due to the appropriation by the Town of a \$2 million dollar bond to purchase Open Space. The main purpose of the O.S.C. is centered on the available Open Space located in the Town of Somers. The Committee collected information about each parcel 5 acres and above, (although the sheets prepared do not reflect the rating sheets). We rated the properties in terms of Prime Interest, Long Term Interest and Easements.

Mr. Barnhart specified that the O.S.C. has undertaken something that we thought might be of interest to the C.B. We know that you currently advise the Planning Board on specific proposals and so forth as they come through. We have a more strategic interest to look broadly at the Town for opportunities to conserve open space. There are two major criteria that we consider. One is of course environmental sensitivity of the properties and the other is the cultural aspect of the property itself.

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New Business:

A) Discussion/Joint Meeting OSC/CB:

Mr. Barnhart explained that on our list you would find large parcels that are environmentally sensitive with significant habitat on them or something like that. Also we had recommended at one point acquiring the property that bounds Tomahawk Chapel because of the significance in terms of buffering that landmark in particular. We are very interested in promoting the idea of a Landmarks Commission. In order to create some layer town-wide review in regard to proposals that came forward on historic property. These are the cultural and environmental aspects of our Committee.

Mr. Barnhart introduced the Open Space Committee Secretary Denise Schirmer who said hello to the C.B. members.

Michael Barnhart mentioned that the Open Space Committee would appreciate knowing if there is anything being reviewed that would require their input. He noted that the Planning Board and the Town Planner try to keep them abreast of what is going on, but the more help they can have in this matter the better. He said that if any of these parcels that are on the list come up for review they would appreciate knowing as soon as possible, hence the distribution of the sheets to the Conservation Board. This will facilitate the O.S.C. keeping on track for timely recommendations.

Mr. Barnhart informed the Board that in order to try to develop a more scientific base to our abilities in environmental assessment, he had been trained in biodiversity assessment at Hudsonia; a Bedford-Somers Cooperative project said Mr. Barnhart.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

He went on to say that they had won a grant and as a consequence of that had developed a map and literature covering the southern most portion of the Town from the Muscoot River south to the Somers border. It was innovative as we treated the Reservoir as a river and Bedford as one bank and Somers as the other bank.

The O.S.C. developed a map that we have just finished revising and it will be digitized by the DEC and made available to the Town as a digital layer which can be incorporated in a review. Now that we are digitized, as a committee we want to do a biodiversity assessment throughout the Town, especially with those parcels that are on the list, which we have already identified at least in a preliminary sort of way as either environmentally or culturally significant.

Michael Barnhart said that there is a sub-committee that includes Gail, Laretta Jeanette and myself. We had one training session and we are going to have more in order to bring this process to fruition. What will come out of this endeavor with an overlay map and a proposal from the Committee regarding conservation overlay zones. We are going to try to work this out with Bedford so that we have a common approach because we think it will be much more effective if it follows inter-municipal patterns and there is a common ground. We hope to encourage other towns in Westchester to go through that process to develop ordinances similar to ours.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

This has already been tried in the eastern Westchester corridor said Mr. Barnhart. The area overlapping the towns of North Salem, Lewisboro, Pound Ridge and Bedford and encompassing an area of 22,000 acres, so it is a little bit larger than the Town of Somers. Michael Clemens has identified the acreage as an area of interest due to the prevalence of species of conservation concern. Mr. Clemens ran the Metropolitan Conservation Alliance and was their lead ecologist, which was a branch of the Bronx Zoo that has since been de-funded. He is a world-renowned herpetologist who is very involved in the local planning. We asked him to get involved in the Eagle River project and several others and he was able to give us some useful information that we could put to work while critiquing the DEIS.

The problem that developed with that particular corridor said Mr. Barnhart was that part of it had to do with Michael Clemens pathology and the other part was that he wanted uniform protection throughout the 22,000-acre area and across four towns, which is very difficult. Some of the towns made some movement towards cooperating, but it was not unanimous. It is still a work in progress.

Mr. Barnhart advised that they have already tried one approach to try and coordinate an effort to protect habitat throughout a large area, but it did not go very far. It is a very long-term thing. What Michael Clemens ended up with was a municipal map with boundaries. What we end up with is a map that shows what kind of habitat is located where in the town. However, the information is preliminary and not specific enough for regulatory enforcement. In Bedford the Town Board members agreed to support an overlay zone around those habitats.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Mr. Rick Morrissey asked who would be the keeper of those maps?

Mr. Barnhart responded that it is a good question. The Planning department would have access to the maps as they do all other maps and it would be part of the Town GIS. It would be available to all agencies and it would give us a level of knowledge of sensitivity. In the past proposals come in and they are reviewed but not looked at in terms of the way the parcel connects with other parcels.

Gary Meixner, Chairman of the C.B. mentioned that he worked with the Bedford Conservation Board years ago and found that they do not always adhere to strict enforcement of the code.

Mr. Barnhart responded that Bedford is not perfect, but they are changing their approach.

C.B. member Dr. Edward Merker said that it is like this Board, we try hard, but sometimes do not prevail. We have three charges, wetland, steep slopes and tree preservation. When a project comes before us we make recommendations on issues and frequently those recommendations are taken seriously and the project has changed.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

For example, said Dr. Merker the St. Joseph's Church proposal where they were going to fill in the man made pond for a baseball field. The C.B. asked for a biodiversity study, and as it turned out the applicant did not want to do the study. Ergo they decided to change their mind about the location of the ball fields. Again, due to them saving a couple of large trees that we thought were important to save, the parking lot was changed. A lot of recommendations are looked at seriously and changed ; and sometimes they are not.

By the way, Board member Dr. Frank Lapetina is a certified tree steward and often we defer to his judgment said Dr. Merker.

On the other hand said Dr. Merker if we think that a project has problems we can actually vote to deny the application, but afterwards the Planning Board can overrule our vote. For example, on the left behind the farm there is major steep slopes, trees, and wetlands and we felt that this project should not continue the way it was proposed. If the C.B. says no than the Planning Board needs a super-majority to override our veto, which only means one vote.

Dr. Merker noted that the C.B. does, however, have a more subtle impact on projects sometimes, which I think is more important. The important issue is to save a sensitive area. If we can get those issues exposed early enough in the process we might be able to have a better impact on the outcome of a development.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

C.B. member Dr. Frank Lapetina noted that just recently there use to be a specimen tree ordinance protecting trees with a diameter of 18” or greater. Right now it does not exist there is no definition and a resident does not need a permit as it has been removed from the Town Code. Recently he was speaking with the engineering department and they are interested in coming up with some sort of proposal.

Dr. Merker said that we should be protecting certain rare trees. There needs to be a better definition.

Dr. Lapetina said that there hadn’t been any previous concern because the C.B. was not aware that the code had changed.

O.S.C. Michael Barnhart Co-chair said that the C.B. has three charges, steep slope, wetlands, and trees and though we all see that as important, they are not the same focus as habitat and what the Open Space Committee aims to preserve is habitat. We want to refocus on how these plans work.

C.B. member Dr. Merker said that we frequently make suggestions on outside issues that are not in our purview, because we feel that something is important, but it is not official.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

O.S.C. Co-Chair Rick Morrissey mentioned that he would like to put everyone's head together during the process and develop a greater knowledge of what we are doing. Say that you are looking at parking. There would be questions about egress and things like that. If we put our heads together and develop a greater knowledge than it would be helpful. Supposing that you have a parcel and there is a boundary and 50-ft. from that is an intermittent woodland pool. It could be very functional. If the review stops at the border you will never know about the pool.

C.B. Chairman Gary Meixner specified that years ago the Conservation Board was more involved in taking a look at the entire area.

C.B. member Edward Merker asked if anyone from the Open Space Committee attended the workshop sponsored by ELLA regarding vernal pools, it was a lecture.

Michael Barnhart noted that some of the committee members went to the lecture and said that it was fabulous. The recommendation would be a 750-ft. perimeter with a 25% disturbance within the perimeter. What might not look like an area of great interest may in fact be significant. Also, he pointed out that we are losing frogs drastically partially because upland and vernal pools are disappearing. Right now the DEC is trying to identify these things and put up signs.

Mr. Rick Morrissey said that as the town is up against the developer and DEIS and we do not know enough to bring up issues about the wood frogs and turtles and things like that.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Mr. Morrissey went on to say that the Eagle River project was an environmental community and yet they tried to minimize that in their documents. Alexan Woods has major wetlands on the property in the upland areas. It probably has a large number of frogs and salamanders.

Mr. Meixner commented that he use to watch the turtles in that location.

O.S.C. member Gail Simpson said do you remember that?

Mr. Barnhart said that most of the turtle species in Westchester are either threatened or being lost. We are very concerned about this fact. We have the IBM property back there and we saw a historic significance with the wetlands. They have considered giving up some land but in particular we wanted to alert the Conservation Board about our needs.

Gary Meixner noted that they should be getting what they need.

Mr. Barnhart said that Town Planner Hull is very good about sending information to the Open Space Committee. We were very grateful to see that your Board was trying to get the bike trail in Goldens Bridge approved.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Dr. Merker explained that it is still evolving as of the last week or so. The Planning department and the Church had a site walk and we suggested having the trail around front (Rte. 138) but that got thumbs down. The Planning Board suggested going around back on the NY City property. We spoke to Ken LeBaron from DEP and he said that it is into Putnam and they have been doing land leases. Ed said he emailed him the proposal to go around back. The City has the money, but it is almost too late.

Mr. Barnhart said that Putnam County was leading and Westchester was following.

Dr. Merker noted that it is still possible to go around back but we do not know all of the particulars. He mentioned that he did not have the opportunity to walk around back.

Mr. Morrissey explained that there is a trail.

Mr. Barnhart said that it crosses the border.

Dr. Merker mentioned that he has maps, but it is difficult to say. We have an interest, but it is not our purview. The Church did not want it along the front, but he does not know about the back.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Jeanette Gerfin of the O.S.C. said that they do the same thing and go over and above their purview.

Dr. Merker advised that one of the documents we have is the Trails for the Anglefly. He could not tell by the plans if there would be bike access directly from Reis Park to the Anglefly property.

Mr. Barnhart responded that there is going to be a mountain bike trail that he knows about.

Dr. Merker said that there is a lot of talk about alternate transportation services. He does not think that people will walk to Reis Park.

Mr. Barnhart commented you mean recreational trails?

Dr. Merker remarked that he would like to see connecting trails throughout the town.

Mr. Barnhart said how do you envision this?

Dr. Merker said from Reis Park across the Plumbrook on the eastern part.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Mr. Barnhart mentioned that there is a significant wetland back there that the O.S.C. is very concerned about.

Gary Meixner advised that the Telephone Company went back there on the easement.

Mr. Barnhart agreed that the easement is a huge problem because it brought invasive species into the area, including fragmites. Up hill there is an invasive problem we are trying to address. We are trying to see what we can irradiate and what we can contain. If we take out plantings they have to be replaced with something.

Ms. Gerfin referenced the recent news article about invasive plants and said that some parts of the 18 states in the northwest have rules about this. She noted that the nurseries are part of the problem as they sell species that are not indigenous to the area.

Mr. Barnhart explained that Chicago just recently passed their ordinance. he was corresponding to someone at Teatown about that and he said that they would be in trouble and he said so would the Anglefly. We received funds to do trails out of the Federal transportation in order to construct a trail system that held to the conservation easements on the property. It is specific about what is not allowed on 15-acres.

Mr. Barnhart said do you want to ask us anything else?

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Mr. Meixner opined that he thought the O.S.C. should get involved in some of the projects.

Mr. Morrissey mentioned that the Stevens Farm (Old Bailey Farm) is rated as one of the most desirable. If Lincoln Hall were sold, he would hope that the town would be involved. He would not like to see another 250 home sites.

Mr. Meixner noted that the individuals who owned the Golf site had an option to buy the parcel and make it a conference center.

Handouts were given to the Conservation Board by the Open Space Committee with lists of parcels to look out for when reviewing property.

Mr. Morrissey advised the group that the Planning Board and Town Board need to have something concrete in order to get involved. Otherwise, they could weigh in on the bike trail efforts as well.

Mr. Morrissey went on to say that the Recreation Department proposed a Community Center, but that did not happen.

Mr. Barnhart explained that office space is a problem and they would like to see the Reynolds House restored.

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New Business:

A) Discussion/Joint Meeting/OSC/CB:

Gary Meixner mentioned that he had never been there.

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The joint meeting was brought to a close and the Open Space Committee and the Conservation Board resumed their respective meetings.

The Conservation Board and the Open Space Committee took no further action at this time.

B) Planning Board/Site Walk/Saturday, April 18, 2009, at 9 AM, Weather Permitting:

9:10 AM Backman/WAP
#18 Shenorock Drive (TM-16.10-2-36.5)
250-ft. South of Overhill Rd.
Application of Mr. & Mrs. Gary Backman for a Wetland Permit for property located on the East side of Shenorock Drive to construct a two story addition with a first floor master bedroom and a two car garage on piers in the wetland buffer area.

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New Business:

B) Planning Board/SW:

9:45 AM Omnipoint Communications, Inc.
Towne Centre @ Somers (TM-17.15-1-13)
325 Rte. 100
Application by Omnipoint Communications for an Amended Site Plan application, Special Exception Use Permit for activity within the Groundwater Protection Overlay District and a Wetland Activity Permit for the installation of a wireless telecommunications facility, disguised as a flagpole, together with related equipment.

The Conservation Board members were not able to attend the Planning Board site walk for the above two applications on Backman wetland activity permit and Omnipoint Communications, Inc. at Towne Centre at Somers.

The Board members took no further action at this time.

C) Ginquitti/Wetland Activity Permit/Administrative/Sketch, received March 27, 2009, Section 16.05, Block 2, Lot 9, Prepared by Applicant, (#2 Orchard Ct./Yorktown Hgts./Intersection Overhill Road): (FL)
The Conservation Board reviewed the above administrative application for Ginquitti wetland activity permit, sketch at their meeting.

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New Business:

C) Ginquitti/WAP/Admin.:

Board member Dr. Frank Lapetina reviewed the materials submitted, attended the administrative review team meeting and gave a report to the Board.

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Report:

- Board member Dr. Lapetina informed the Board members that he attended the administrative review team meeting for this wetland activity permit.
- Dr. Lapetina explained that the property is located next to the Preserve and the owner is having extreme water difficulties in the basement of his house.
- Board member Lapetina went on to explain that the applicant proposes to install a 4-in pipe connected from his sump-pump to daylight outside his house.

Dr. Merker noted that there was a check valve on the plans from the sump-pump to the house.

- Board member Lapetina responded that the valve was in place so that the applicant would not experience any back-flow into the house. He went on to read an excerpt from the applicant's application.

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New Business:

C) Ginquitti/WAP/Admin.:

The applicant said that he bought the house in 2006 with one existing sump-pump and a battery back-up sump-pump. In February 2007 the sump-pump failed, the wetlands flooded to the road level and the existing dry well collapsed. All of the water came back into the house and flooded the basement with 6-in of water. The flood insurance center crew cut all baseboards and removed mold from the house. The applicant then had two more pumps installed. There were seven power outages with two lasting more than 3 hours. The sump-pumps caused a circuit breaker to blow and we nearly had another flood because they were not working. The applicant said that they have had no heavy rainfalls, but they are still pumping out water every 10-min. They had their electric upgraded to 200 amps and a 14-kilowatt generator installed. The sump-pump installed in 2007 had to be replaced because it was rusted since it was constantly underwater. The applicant said that they also had water coming in at the boiler room, but since the new sump-pump installation that problem seems to be better. They are still taking a lot of water from under the foundation and they cannot figure out where it is coming from. They have tried to manage the water, but the wood floors are buckling and the doors are expanding and they want the water to go away from their house. They asked for permission to install some external drainage to direct the water away from the house, as the existing sump-pump does not seem able to handle the volume of water.

- Board member Lapetina went on to say that the administrative review team members all signed off on the application so that the applicant can get started on the proposed activity.
- Dr. Lapetina pointed out that Town Engineer Gagne had generated a Finding statement, which was attached to the C.B. packet of information.

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New Business:

C) Ginquitti/WAP/Admin.:

Discussion ensued among the Board members with reference to this application and the possible cause of the extensive water problem on the site.

The Board members took no further action at this time.

D) Lippolis/Wetland Activity Permit/Administrative/received April 9, 2009/Section 5.18, Block 1, Lot 30, prepared by Applicant, (#1 Stephan Ct./Baldwin Place/near intersection of Travis Road): (FL)

The Conservation Board members reviewed the above administrative application for Lippolis wetland activity permit at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, attended the administrative review team meeting and gave a report to the Board.

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Report:

- Dr. Lapetina advised the Board members that this application is located in the Preserve on Stephan Court.

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New Business:

D) Lippolis/WAP/Admin.:

- He went on to say that the applicant proposes to install a 95-ft. fence down the side of the property in order to protect the children and keep them out of the wetland buffer zone.

Dr. Merker asked why they wanted to carry the fence all the way back on the property.

- Board member Lapetina responded that the applicant's children play there and they do not want them in the buffer area or wetlands.

Dr. Lapetina explained to the Board that he did not have any problem with the proposed activity. It was approved at the administrative review team meeting.

The Board members took no further action at this time.

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New Business:

- E)** Nash-Cohn/Lot Line Change/Planning Board/Survey of Property prepared for Richard A. & Joanna L. Nash dated December 16, 2008/Preliminary Subdivision Plat dated February 10, 2009, prepared by Badey & Watson Surveying & Engineering, PC, Section 27.10, Block 1, Lot 20.1 & 20.3, (#5 Two Penny Lane/#82 Lake Road): (GM)
The Conservation Board will review the above Planning Board application for Nash-Cohn/lot line change, preliminary subdivision plat at their next meeting.

Chairman Gary Meixner 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.

- F)** Sabatino/Wetland Activity Permit/Planning Board/Cover Sheet, Survey of Property, As-Built Plan, Constraints Map, Hydrologic Soil Group Map, dated February 27, 2008, revised March 23, 2009, Construct 350sq.ft. addition & 590sq.ft. deck on existing home, Section 6.16, Block 2, Lot 18, prepared by SEIS Consulting Engineers, PC, Basement Plan, First Floor Plan, Elevations, Building Section A-A, dated January 19, 2009, revised January 27, 2009, Short EAF, Other – Wetland & Watercourse Delineation, (#16 Dunhill Drive/South side of Dunhill Road/ 1,065-ft. from intersection w/Lovell): (JM)
The Conservation Board will review the above Planning Board application for Sabatino wetland activity permit at their next meeting.

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New Business:

F) Sabatino/WAP/PB:

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.

There being no further business to discuss, a motion to adjourn was made at 10:20 PM by Board member Dr. Edward Merker 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 April 28, 2009 at 7:30 PM.

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Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on May 12, 2009 and May 26, 2009 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