

**CONSERVATION BOARD
MINUTES OF MEETING
JUNE 23, 2009**

The June 23, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Dr. Frank Lapetina, James Moriarty,
Gary Meixner

Absent: Shoshana Hantman, Dr. Edward Merker, Gloria Rosenzweig

Guests: None

Announcements:

Board member Dr. Edward Merker emailed C.B. Secretary Ms. Davis to inform her that he would not be able to attend the meeting tonight.

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Announcements:

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

Board member Shoshana Hantman emailed C.B. Secretary Ms. Davis to inform 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 Dr. Frank Lapetina to approve the minutes of the June 9, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Charles Friedberg made changes to the minutes dated June 9, 2009 on page 19.

Board member Dr. Frank Lapetina made changes to the minutes dated June 9, 2009 on pages 18 and 19.

Old Business:

- A)** Conservation Board Goals for 2009/C.B. Discussion/Copy Report-CB, revised January 27, 2009/C.B. working on these goals:
(GM/Dedication/JLB/Anglefly)

The Conservation Board discussed the above goals for 2009 as they relate to Chairman Gary Meixner's project regarding the proposed dedication (of a trail/area, etc.) to former Board member John L. Behler in the Anglefly Preserve.

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Old Business:

A) C.B. Goals/Behler:

Chairman Meixner informed the Board that he thought about the sensitivity of the subject matter he was about to undertake prior to contacting the Open Space Committee regarding the feasibility of an area for dedication to Mr. Behler.

Chairman Meixner then decided to contact John Behler's wife in order to make sure that she would not be offended by the proposed 'dedication' of an area of the Anglefly Preserve to her late husband.

Board member Charles Friedberg inquired about the response given by Mrs. Behler.

Chairman Meixner responded that he had visited her office at the Bronx Zoo and left her a message, but she had not contacted him to date.

After some discussion on the matter by the Board members, Chairman Meixner asked that this item be tabled until the next meeting on July 14th. The Board members agreed.

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

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Old Business:

- B)** St. Joseph's Church/JFK High School/Site Plan/Planning Board, Title Sheet (TS), General Notes dated 1-2-08, revised 6-3-09, Plan-Site Distance Existing Conditions (C-101) dated 6-3-09, Prepared by Drazen Cackovic, AIA, DCAK Architecture, (Rte. 138/across from Best Plumbing):
(CF)
- D)** St. Joseph's Church @ JFK High School/EAF Part 3/Evaluation of Importance of Impacts dated June 2, 2009/Memo from Town Planner Hull to Planning Board dated June 5, 2009/re: Construction of St. Joseph's Church @ JFK High School, TM-28.15-01-8,9,10; Corrections Town Engineer Gagne; Revised EAF, (Rte. 138/across from Best Plumbing): (CF)

The Conservation Board reviewed the above Planning Board applications for St. Joseph's Church @ JFK High School, site plan, EAF Part 3, and site plan, title sheet, general notes at their meeting.

Board member Charles Friedberg reviewed the materials submitted and gave a report to the Board.

Board member Friedberg asked to incorporate items 'B' and 'D' of Old Business, this document into one report.

The Board members had no problems with this request.

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Report:

- Board member Friedberg explained that the documents submitted are an impact survey.

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Old Business:

- B)** St. Joseph's Church/SP:
- D)** St. Joseph's Church/EAF:

- He noted that the documents enclosed cover the responses of the survey, which is basically everything that has been completed up until this point.
- Mr. Friedberg advised that he had read the 4 copies and determined that there is nothing different in those documents than what was discussed previously by the Conservation Board. He noted that all of the copies given to him appear to say the same thing.

C.B. Secretary Ms. Davis qualified the fact that the responses are changes that have been incorporated into the document from Town Engineer Gagne, Town Planner Hull, the Planning Board, etc.

- Board member Friedberg said that the main issues that were discussed were the fact that the applicant had changed the ball park so that they would not need to fill in the pond.
- He said that there were some stormwater issues but they would be addressing those by the proposed filtering in the parking lot.

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Old Business:

- B)** St. Joseph's Church/SP:
D) St. Joseph's Church/EAF:

- The steep slopes would also be affected, he said, but the applicants would keep the stockpiling of soil at a two to one ratio. The paperwork mentions that if the stockpile should happen to go over that limit then the applicant would 'properly' seed the area.
- Mr. Friedberg commented that everything seemed very standard.
- There was nothing new in the document provided to the Conservation Board, however, the item that was not addressed was the impact to the trees said Mr. Friedberg.

Board member Friedberg noted that there were no specific questions that pertained to the trees and was wondering if that is why they were not mentioned.

- He went on to say that in the Environmental Impact statement there appears to be no mention of the trees as well.
- Mr. Friedberg explained that the applicant discussed the impact to the plants and animals, and there was a portion of the document that concerned critical wildlife habitat, to which the applicant responded "no".

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Old Business:

B) St. Joseph's Church/SP:

D) St. Joseph's Church/EAF:

- However, the applicant did not specifically address the taking down of numerous trees on the property said Mr. Friedberg.
- Board member Friedberg specified that the destruction of numerous trees would, in effect have an impact on the plants, animals and wildlife and their habitat, etc.

Chairman Meixner explained to the Board that this document is a typical EAF form.

Mr. Friedberg agreed that it was a standard form with written responses.

Also noted by the Board was the fact that there was no apparent mention of the tree removal by Town Engineer Gagne in his redlined document addressing the EAF.

- Mr. Friedberg noted that there should be a mention of the destruction of the trees in the Environmental Impact Statement.

Board member Friedberg went on to advise the Board with reference to the details of the proposed Church.

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Old Business:

- B)** St. Joseph's Church/SP:
- D)** St. Joseph's Church/EAF:

Discussion ensued among the Board members with reference to this application regarding square footage, size, parking, etc.

The Board's main concern in the Environmental Impact Statement is the fact that the applicants are proposing to cut down 50 + major trees and that fact should have been addressed somewhere in the document.

The Board agreed that the destruction of the trees should be considered a major impact to the parcel and therefore, should have been mentioned somewhere in the Environmental Impact Statement.

Mr. Friedberg informed the Board that the applicant attached every memo that needed to be addressed.

- For the record Mr. Friedberg noted that the plans were the same as the ones submitted for the Conservation Board review several weeks ago. He said that he was not aware of any changes to the plans provided.

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Old Business:

- B)** St. Joseph's Church/SP:
- D)** St. Joseph's Church/EAF:

Chairman Meixner and Board member Friedberg discussed the electrical usage and other issues before the Board.

A discussion ensued among the Board members with reference to this application and they decided to write a memo to the Planning Board stating their concerns.

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A memo (#09-27) 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, EAF Part 3, and evaluation of importance of impacts, at their meeting on June 23, 2009.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

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

- 1) The Conservation Board is of the opinion that the Environmental Impact Statement should mention the numerous significant trees that will be destroyed by this proposal.
- 2) The Board would appreciate the document amended to include this significant fact.

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Old Business:

- B)** St. Joseph's Church/SP:
- D)** St. Joseph's Church/EAF:

The Board members took no further action at this time.

- C)** Alexan Somers Woods/Draft #7 DEIS Final Scoping Outline, Amended and filed with Town Clerk by FP Clark Associates/Town Board adopt resolution at Work Session on March 5, 2009, (Somers Towne Centre/Rte. 100): (GR)

The Conservation Board reviewed the above Town Board Draft #7 DEIS Final Scoping Outline for Alexan Woods as amended and filed with the Town Clerk by FP Clark Associates at their meeting.

C.B. Secretary Ms. Davis informed the Board members that she was in possession of the report generated by Ms. Rosenzweig on the Alexan Woods Draft #7 DEIS Final Scoping Outline and she handed out copies for the Board members to read.

Dr. Lapetina mentioned that he was somewhat confused by what is being done with this document. He also called attention to a hyphen that was apparently misplaced on the document.

Mr. Friedberg inquired about DEIS and what it stands for.

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Old Business:

C) Alexan Woods/DEIS/Scoping:

C.B. Secretary Ms. Davis specified that DEIS means Draft Environmental Impact Statement. She explained that Ms. Rosenzweig reviewed the document generated by the Town Board, which is a pre-EIS (Environmental Impact Statement) report regarding what will be discussed in the EIS.

Board member Friedberg asked about the location of this application.

Dr. Lapetina responded that it was located just down Rte. 100 behind the Towne Centre.

Discussion ensued among the Board members with reference to the nature of the report. They mentioned some Conservation Board concerns, etc.

Board member Dr. Lapetina suggested that this item be tabled until such time as Gloria Rosenzweig can give a report in person to the Board members.

The Board members agreed.

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Old Business:

C) Alexan Woods/DEIS/Scoping:

Chairman Meixner brought up the fact that the Open Space Committee was concerned about the Alexan Woods property especially with reference to the wildlife habitat.

Dr. Lapetina noted that Ms. Rosenzweig mentions 26.68 acres in her report, 3 acres of which are slated to be rezoned NS (Neighborhood Shopping).

C.B. Secretary Ms. Davis explained that 3 of the acres would be incorporated into part of the Shopping Center. So, instead of the shopping area being 11.29 acres it will encompass 14.29 acres after the rezoning. Ms. Davis went on to say that the Alexan Woods project would then be 23.68 acres total (after the rezoning).

The Board members tabled further discussion on this report, as they would like to have Ms. Rosenzweig explain the details.

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

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Old Business:

- E)** Friedberg/Wetland Activity Permit/Administrative application/Sketch, Received June 1, 2009, Short EAF, Installation of Fountain for Aeration Purposes, Section 58.12, Block 1, Lot 4.1, (#3 Twin Knolls Drive):
(CF)

The Conservation Board had a brief discussion relating to the above administrative application for Friedberg wetland permit at their meeting.

The Board members discussed some of Mr. Friedberg's electrical concerns with regards to trenching to the pond.

The Board members took no further action at this time.

New Business:

- A)** Discussion/Conservation Board/Ridgeline Protection/Protect panoramic views from clearing of ridgelines & visible areas of forestry: (JM)
As Mr. Moriarty was late for the meeting, C.B. Secretary Ms. Davis explained that he would like to discuss Ridgeline Protection, an item that was being addressed in the Town of Bedford.

Board member Moriarty will discuss this issue when he arrives said Ms. Davis.

Mr. Moriarty arrived at the meeting at that time and gave his report.

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New Business:

A) Discussion/Ridgeline:

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Report:

- Mr. Moriarty explained that the Town of Bedford is looking at passing an ordinance to eliminate clearing of trees on the face of hillsides for subdivision or any other planning project.

Dr. Lapetina noted that the only problem is that it does not prevent Con Edison from continuing to go in and clear the ridgeline for utilities.

Board member Moriarty agreed with Dr. Lapetina and said that there is nothing that can be done about the placement of utilities. Apparently, he said that the Town couldn't tell the utility companies what to do.

Dr. Lapetina remarked that the utility companies are probably the biggest offenders.

- Board member Moriarty went on to say that Bedford is concerned about a recent development that took place in Carmel and they are trying to avoid the same thing happening in Bedford.

Chairman Meixner referenced the fact that Bedford already has situations that they have let happen in their own town that should be addressed.

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New Business:

A) Discussion/Ridgeline:

Chairman Meixner explained that they are allowing huge homes to be built and they are clear cutting parcels including wetlands.

- Mr. Moriarty mentioned that the ordinance did not pass yet, but they are concerned about what can be seen especially from far away.

Discussion ensued among the Board members with reference to Ridgeline Protection.

Chairman Meixner brought up the fact that the town used to have such a law, but it was not called 'Ridgeline Protection'.

Dr. Lapetina explained a situation where Con Edison came through a park and cleared the land on the other side of the Taconic Parkway near Rte. 134, towards Ossining.

Dr. Lapetina informed the Board that they just put a new park in there and a new County Golf course with a new name (he mentioned that it might be located in the Town of New Castle). Anyway, he noted that they have these huge Con Edison towers going through the property over there.

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New Business:

A) Discussion/Ridgeline:

Board member Friedberg asked if the C.B. Secretary was familiar with the process for getting something put into the Town Code.

Ms. Davis responded that as far as she is aware a memo is generated to the Town Board for their review and to determine whether or not they are interested. This document is copied to the appropriate agencies.

Ms. Davis went on to say that then the Town Board makes a decision, after discussion on the matter, whether or not they want to entertain the idea for possible inclusion in the Town Code.

At that time she said that the Town Board might have the language of the information rewritten by the Town Engineer or the Town Attorney before it is sent to the involved agencies for review and comment.

The Conservation Board discussed Ridgeline Protection, Scenic Vistas and referred to the Town Code, which mentioned 'Scenic Resource Protection'. A discussion ensued among the Board members.

The Board members took no further action at this time.

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New Business:

- B)** Omnipoint Communications @ Towne Centre/Site Plan/Planning Board, Plan Sheet #Z-1 through Z-6 dated August 21, 2006, revised June 15, 2009 (per Planning Board comments), Z-1/Title Sheet; Z-2/Amended Site Plan; Z-3/Enlarged Site Plan & Details; Z-4/Compound Plan, Elevation & Details; Z-5 SP/Secondary Pole Location; Z-6/Wetland Buffer Mitigation, Planting Plan & Details; Prepared by On Air Engineering, LLC, (#325/Rte. 100 Towne Centre): (JM)

The Conservation Board will review the above Planning Board application for Omnipoint Communications @ Towne Centre, 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.

- C)** St. Joseph's Church/JFK High School/Site Plan/Planning Board, revised 6-15-09; TS-Title Sheet/General Notes; Horizontal/Vertical Site Distance Analysis; SP-Sheet 1 & 2/Soil Hydrology/Wetlands/SS; C-1,2,3 Stormwater Management; C-4,5,6/Erosion Control; L-1/Church Parking Lot Planting Plan; LD-1/Church Parking Lot Planting Details & Notes; Sheet No. 1-17/SP & Zoning Table/Church & Parking Layout Plan/Sport Field 1,2/Fire Access Road Plan & Profile/SS 25% & greater/Tree Plan 1-4/Church Garage Driveway Profile, Wall Elevations & Sections; Details 1-3; SP, Layout, Details/Treatment Plan-Onsite Wastewater Treatment, (Rte. 138/across from Best Plumbing): (CF)

The Conservation Board will review the above Planning Board application for St. Joseph's Church/JFK High School site plan at their next meeting.

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New Business:

C) St. Joseph's Church:

Board member Charles Friedberg will review the materials submitted and give a report to the Board.

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

D) Discussion-Conservation Board/Memo from Open Space Committee/to Planning Board dated June 2, 2009/re: St. Joseph's Church/JFK High School Proposed Stormwater Management Sediment & Erosion Control Plan:

The Conservation Board members acknowledge receipt of the above memo from the Open Space Committee regarding St. Joseph's Church/JFK High School proposed stormwater management sediment & erosion control plan.

The Conservation Board applauds the efforts of the Open Space Committee regarding their memo to the Planning Board dated June 2, 2009.

The Board members took no further action at this time.

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New Business:

- E)** Discussion-Conservation Board/Letter from Deputy Commissioner, Edward Buroughs, AICP to Town Planner Hull dated June 17, 2009/re: Referral File No. SOM 09-003D; St. Joseph's Church/JFK High School Site Plan Application:

The Conservation Board acknowledged receipt of the above memo from Deputy Commissioner Buroughs to the Town Planner Hull dated June 17, 2009 regarding St. Joseph's Church/JFK High School at their meeting.

Dr. Friedberg asked what Mr. Buroughs is talking about.

Dr. Lapetina responded that Mr. Buroughs is saying that what they are doing is inconsistent with County policy.

Ms. Davis explained that he also mentioned that the Westchester County's recommendations have been ignored and that he would like the applicant's to do an alternative plan.

Dr. Lapetina commented that he does not seem satisfied with the changes that are being made.

Mr. Friedberg said that the Conservation Board has found the same problems with the application as are being discussed by Mr. Buroughs.

The Board members discussed details of the application, the traffic and the memo among them and decided to write a response.

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New Business:

E) Discussion/Boroughs/Memo:

Board member Dr. Frank Lapetina recused himself.

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A memo (#09-28) will be sent to the Planning Board and Town Planner Hull stating that the Conservation Board reviewed the above letter from Edward Boroughs, Deputy Commissioner for Westchester County regarding the Planning Board application for St. Joseph's Church @ JFK High School at their meeting.

The Board members reviewed the memo submitted dated June 17, 2009 and discussed the application among them.

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

- 1) The Conservation Board appreciates the concerns raised by Commissioner Boroughs in his recent letter to the Planning Board.
 - The C.B. has raised similar points at one time or another.

- 2) The Board agrees with Commissioner Boroughs that the proposed solution appears to be inadequate.
 - The C.B. requests the Applicant to consider the alternatives, (not necessarily one entrance).

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New Business:

E) Discussion/Boroughs/Memo:

The Board members took no further action at this time.

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

The next regular meeting of the Conservation Board will be held at the Town House on July 14, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 28, 2009 and August 11, 2009 respectively.

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Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

Cc: Town Board
Town Clerk
Town Engineer
Town Planner
Planning Board
Zoning Board
Open Space Committee
Architectural Review Advisory Board
Landmark Committee