CONSERVATION ADVISORY COUNCIL
Meeting Minutes
Monday, June 17, 2013
Delancey Hall

Members Present:	**Lori Tripoli, Co-Chair** **Nancy Welo** **Alan Towers**
Member Absent:	**Pam Pooley, Co-Chair**
Also Present:	**Janice Will, Secretary**

Lori Tripoli opened the meeting and asked if the group would approve the minutes of the June 17 meeting.

The meeting minutes were unanimously approved.

Alan Towers said he had a question about protocol and asked what is/is not permitted outside of open meetings.

Ms. Welo replied that the formal/general rule is that members may not gather to discuss things/they may not speak to each other surreptitiously.

Ms. Tripoli said they may e-mail each other and respond to e-mails from the Town Supervisor and it would be alright for a neighbor to ask general questions about the kinds of things the CAC works on.

Ms. Welo said they may not make "deals" and come to a meeting with something already decided in advance.

Mr. Towers said he took these points to mean that it is acceptable to have a conversation, but the CAC may not discuss business/decide things outside of their meetings.

Status of Vacant CAC Position
Ms. Tripoli noted that the Town Board is working on this, and Pam Pooley has found someone who seems to be interested.

Mr. Towers asked if it will be better to have one more member, and Ms. Tripoli said it will because they have lost a member.

Ms. Welo remarked that it is easier to have a quorum or majority with 5 members.

Ms. Tripoli said Ms. Pooley had wondered if the CAC should seek more than 1 more member if they are permitted to have more than 5.

Mr. Towers commented that they could think about it.

Ms. Welo stated that they had had interns in the past, which she thought was good.

Ms. Tripoli said they could consider having a volunteer or non-voting member.

Ms. Welo thought just getting a 5th member would be good for the time being.

Mr. Towers questioned the appeal or value of being a non-voting member of an advisory group.

Ms. Tripoli said the CAC could leave it at looking for one more full member for the present, and the others agreed.

Other

The secretary informed the CAC that she will not be available for their next scheduled meeting on July 22 and pointed out that they may still post an agenda for a public meeting to be held at the Library.

Ms. Welo said the Library is open for a class on Monday nights, so it would be a good night to have a CAC meeting, too.

Ms. Tripoli commented that they might want to have a work session regarding Highgate/ Woodlands in order to get their comments prepared within the 30-day time-frame.

Ms. Welo suggested they work up comments at the present meeting.

Mr. Tower asked if they will include questions, and Ms. Welo said they should.

Ms. Tripoli said perhaps they should go to the Town Board public hearing of the proposed project before preparing their comments.

Ms. Welo remarked that they could always contribute to the Planning Board packet of information. She added that she would rather not wait/the CAC can offer initial comments.

Ms. Tripoli suggested they discuss the project at this meeting and draft something to discuss further next time. She noted that their comments are due 30 days from the June 25 Town Board meeting.

Ms. Welo wanted to offer unofficial/preliminary comments for the time being.

Mr. Towers said he thought Ms. Pooley would want to participate/they should wait.

Ms. Welo suggested Ms. Pooley could vote on official comments before they are submitted.

Highgate/Woodlands
Ms. Tripoli asked for comments.

Mr. Towers commented that there are a lot of alternative uses in the plan and asked if the CAC has a clear sense of what the applicants really want to do.

Ms. Welo said there had been a young man on-site when the CAC made their site visit, and she sensed that he just wants to get started/would rather go with the existing plan than start over. She said they had bigger plans in the past, but the CAC should speak to the plan they have/not to what they think the applicant wants.

Mr. Towers said Ms. Welo was probably right, but he added that given the plan for houses/townhouses versus hotels, senior centers, nursing homes, etc., he was not sure the current plan is the one the CAC wants to talk about. Given the CAC's advisory capacity and the applicant's previous interest in other things, he asked why they would help push something in one direction when they have an opportunity to consider other options.

Ms. Welo stated that the applicant spent a lot of money on the current plan, and the CAC could look silly/like they haven't been paying attention all along if they suggest other options at this point in time.

Mr. Towers asked why the applicant would include other possible uses in their plan if they aren't open to other things. He asked if the current plan is the best alternative.

Ms. Tripoli said the current plan is the one on the table; the CAC may come up with reasons why they think it is not appropriate.

Mr. Towers said all the alternatives are probably permitted under the law.

Ms. Welo said the Westchester County Land-Use Plan designates North Salem as the last rural corner in the County.

Mr. Towers asked what that means in practical terms.

Ms. Welo said the land-use map created a number of years ago is very clear, including areas shaded in different colors to indicate different designations.

Mr. Towers said it was very interesting to hear that the County places value on rural quality.

Ms. Welo said she thought it made sense; it would be a shame to pave the entire County. She added that the Highgate/Woodlands proposal is out of character with a rural value.

Mr. Towers asked if there is any bias in any kind of regulation toward maintaining the last rural corner of the County. He said he really doesn't know what it means/if it has any legality.

Ms. Welo said she presumes it was intended to be a guideline, but she doesn't know if it carries the force of law.

Ms. Tripoli pointed out that the CAC is an advisory group/not legal counsel to the Town. They can raise their concerns regarding the loss of a rural area and perhaps other concerns as well.

Ms. Welo suggested including an objection to clear-cutting the wooded hillside of the subject property.

Mr. Towers said they could also object to the proposed density of housing for its unsuitability in a rural area. He added that if some formal map or document exists, they should mention it by name in their comments. He said a question could be if, out of all the alternative uses in the plan, the current one is the most appropriate. Mr. Towers thought this point had value for making it clear that the CAC is not only interested in discussing one option.

Ms. Welo thought it was a good point to open with, and they should also say the proposed clear-cutting violates the rural character of the area/is contrary to the Westchester County Land-Use Map which designates North Salem as a rural area.

Ms. Tripoli thought they should also consider in the alternative that if the plan is going forward, then the CAC offers the following suggestions – number of houses reduced, etc.

Mr. Towers thought it would be prejudicial to preface their comments with the assumption that the current plan is going forward. He suggested saying, "In considering this alternative ... "

Ms. Welo stated that they should be specific and cite the Highgate/Woodlands April 2013 Comprehensive Site Plan, Sheet 1.

Mr. Towers asked Ms. Welo to explain the notations, etc. on the site plan.

Ms. Welo pointed out release-areas leading to dry-area retention ponds. She explained that creation of impervious surfaces will create accelerated run-off.

Ms. Welo said another area Mr. Towers asked about is a protected wetlands area, included in the plan because the entire area is part of the New York City watershed area.

Mr. Towers wondered why building is allowed in such an area.

Ms. Welo explained that people are allowed to build on land they own, but they are not supposed to impact the water.

Ms. Tripoli said the applicant will need various approvals for work on steep slopes, etc. that all give the Town some negotiating power.

Mr. Towers said that he and Ms. Pooley had left the site together, and where they exited the property it was so steep that they could not walk out but had to slide down the hill. He remarked that creation of impervious surfaces on such steep land has potential to contribute to the velocity and volume of water running downhill, which could cause a flooding problem.

The members discussed different areas they saw on their site visit.

Ms. Tripoli asked the others if they want to include concerns about run-off in their comments, and Mr. Towers replied that he and Ms. Pooley both thought it worth including.

Ms. Welo agreed, pointing out the contour lines on the site plan and saying the land can only be altered by cutting down trees.

Mr. Towers asked if trees can be saved for purely aesthetic reasons.

Ms. Welo said they may be saved in some situations, but clearing is permitted where the septic systems and houses will go on each approved lot.

Mr. Towers commented that removing the canopy will contribute toward erosion.

Ms. Welo said erosion is a potential problem on the subject property. She remarked that developers usually try to maximize the number of lots because they know the Town will reduce the number they apply for. She went on to say that she is concerned about the multi-family buildings in the plan, because there is no access to the dry retention ponds behind them, and the area will require maintenance. She read off Buildings 1-4, 5-8, 25-28, 33-36, 41.44, 49-52, 57-60 and 65-68, saying they have dry basin detention ponds/ water-flow areas that have maintenance needs requiring access.

Ms. Tripoli asked if trucks need to be able to reach those areas.

Ms. Welo said it would have to be accessible by maintenance equipment like trucks and backhoes.

It was agreed to include a comment about the need for access to these areas by heavy equipment.

Ms. Welo said she is also concerned about the impact of parking and other impervious surfaces, adding that there does not appear to be enough parking proposed for the multi-family buildings.

Mr. Towers worried that the site could wind up looking like a parking lot.

Ms. Welo said that for the happiness of future residents, adequate parking (including guest parking) and room for dumpsters, moving pods, snow-removal equipment, etc. should be provided.

Mr. Towers asked if the CAC is responsible for the happiness of future residents, or if it is the responsibility of the buyers to be aware.

Ms. Welo thought it would be better to address the issue now before construction begins.

Mr. Towers said he thought it would be a clearer reason for the CAC to raise the subject if it would potentially become a problem for the Town, rather than a problem for private buyers.

Ms. Welo stated that too many vehicles would create a hazard for emergency equipment, and people will park on the grass which contributes oil and gas to the flow of uncontrolled water in the wetlands.

Ms. Tripoli said it would be good to be able to raise that point in an environmental context. She suggested they ask what the environmental impact of this proposed development will be.

Ms. Welo remarked that forcing dumpster sites under windows because there is no other place to park them, causing people to throw things out of the windows into the dumpsters would be undesirable.

Mr. Towers suggested that such a situation could also cause traffic congestion problems, although if it is private property, it may or may not be of concern to the Town.

Ms. Tripoli remarked that there would still be an overall environmental impact from emissions.

Mr. Towers asked about pedestrian safety.

Ms. Welo pointed out that the Town does not have sidewalk regulations, so it would be hard for the CAC to speak to that issue.

Mr. Towers expressed concern about children waiting for school buses.

Ms. Tripoli said she assumed students would have to meet buses on Reed Road, because Highgate/Woodlands will have a private road.

Mr. Towers said it would be safer for the buses to pick children up in the development.

Ms. Welo said the school's insurance rates would go up substantially if the bus routes included private roads. She further stated that asphalt curbing (proposed for the development) degrades, especially on hillsides where people plow a lot, becoming a constant maintenance problem that she would not like to see the Town be responsible for.

Mr. Towers said he would not want taxes increased to cover school buses picking up on private roads.

Ms. Tripoli said she thought the CAC should really keep to environmental issues.

Ms. Welo said creating roads on steep terrain will require clear-cutting.

Mr. Towers commented that the longer school buses travel, more emissions are produced.

Ms. Welo thought even that point would be hard to speak to, because the Town's students have to be picked up and taken to the schools.

Ms. Tripoli read from Chapter 107 (Freshwater Wetlands) of the Town Code that, "The proposed activity must be the only practicable alternative which could accomplish the applicant's objectives and must have no practicable alternative on a site that is not a wetland, watercourse, and/or buffer area." Ms. Tripoli asked if there is any alternative for Highgate/Woodlands.

Ms. Welo commented that some proposed uses could be pulled out of wetlands areas, as the project has not started yet. She suggested recommending that the retention ponds be placed outside any wetland buffer areas because there are alternatives. She pointed out that the CAC does not have to offer the alternative; they may merely state that one should be found.

Ms. Tripoli stated that there is a protected sedge area in the northeast area of the property, and asked what sedge is.

Ms. Welo said it is normally a wetland plant, and perhaps this one is endangered. She found a hand-written note on the site map asking where the sedge is.

Mr. Towers said he thought they had raised a lot of good issues, adding that he was unsure they need to offer an opinion.

Ms. Welo agreed that they do not; they may merely raise concerns.

Mr. Towers said they could say they have concerns and wonder whether or not the project might endanger the Town's rural character.

Ms. Tripoli asked the other if they wished to discuss building materials. She said she thought that to construct a development it would be desirable to use green materials, i.e. something sustainable and environmentally friendly that would create a good model.

Ms. Welo thought the CAC could include something like that.

Mr. Towers asked about erosion protection techniques.

Ms. Welo said Stormwater II regulations are supposed to be followed, that keep run-off from impacting down-stream neighbors. She explained that any water accelerated in Town by creation of culverts, ditches, or anything that channels/accelerates water and creates damage downstream, is the responsibility of the Town.

Mr. Towers asked if Highgate/Woodlands creates excessive water velocity, what techniques can be used to lessen the effect, adding that he has heard that terracing can be effective.

Ms. Welo responded that terracing has a limited lifespan and is expensive. She said bio-filters are helpful but require flatter land.

Mr. Towers said the CAC need not be concerned about the expense, adding that Highgate/Woodlands needs a heavy-duty anti-erosion plan.

Ms. Tripoli added that recent weather changes also make this an important point.

Ms. Welo said the development will basically remove all the natural protections, and Mr. Towers added that it will send a flood in the direction of 684.

Looking at the site map, Ms. Welo suggested the CAC say the level spreader for the curtain drain discharge right below PSED Area 3-A seems inadequate for the amount of flow that will be generated.

Mr. Towers said he has noticed that on unpaved roads, deep ditches with very large rocks in them are dug alongside and pipes put in to channel the water, but it doesn't work.

Ms. Welo stated that even though the development's roads will be private, the run-off will affect Town roads.

Mr. Towers said he is concerned about Reed Road washing out, and Ms. Welo agreed that it is a real possibility.

Ms. Tripoli asked about next steps, noting that she would go to the Town Board meeting on June 25 and Pam Pooley would attend the June 19 Planning Board meeting. Ms. Tripoli added that the CAC may have more to discuss after these 2 meetings.

Mr. Towers thought they should ask Ms. Pooley what she thinks works/how she wants to handle regarding the points raised at this meeting.

Ms. Welo said they can provide her with all the information.

Ms. Tripoli said they need to decide how to proceed; do they need an interim meeting earlier than the scheduled July 22 meeting, given that they have to provide their public comments to the Town Board by July 25. She said such an interim meeting would be just a work session to discuss the CAC's Highgate/Woodlands comments and suggested drafting the comments ahead and then discussing them at the meeting to come up with a final version.

The CAC agreed to meet on July 15 and possibly also on July 22.

WP12-14 Edmonds/141 Baxter Road
Ms. Tripoli stated that a proposed driveway will be in a wetland buffer area and said she would try to arrange a site visit.

WP13-01 Finch Farm/25 Finch Road
Ms. Tripoli noted that this permit has been issued/the CAC doesn't need to do anything.

Ms. Welo said Ms. Pooley was interested in this project. She suggested asking Ms. Pooley if she wanted to do anything further; otherwise, it could be taken off the agenda.

WP08-10 Monomoy Farm, 806 Peach Lake Road
Ms. Tripoli said there is nothing happening at present, but she will leave it on the agenda.

Mr. Towers said he thought he remembered that the owners are obliged to fix the wetlands violations on the subject property.

Ms. Welo commented that there is nothing for the CAC to do at present.

Site Visit Checklist
Ms. Tripoli said she has not been able to locate a checklist like this from the CACs of other towns. She suggested the CAC try to put one together for themselves and offered to draft one for the next meeting.

Clearing Invasive Species from Wetlands
Ms. Tripoli explained that Town Supervisor Warren Lucas asked the CAC to look into this issue. The problem is that land-owners must get wetlands surveys before they can remove these plants from a wetlands buffer area, and the Supervisor wonders if the Town couldn't make it easier and spare people the expense of the wetlands survey.

Mr. Towers asked if all invasive plants are bad.

Ms. Welo said they take advantage of disturbed soils and wetland areas and don't provide a food source. She explained that a thorough removal job is expensive because it is important to prevent further spread of the plant or another invasive when disturbing the soil. She added that invasives have no predators (animals or insects), so they grow freely and take over areas. Replacement plants have to be put in by hand to give them a head-start, which is time-consuming and expensive.

Mr. Towers asked what the CAC is being asked to try and accomplish.

Ms. Tripoli replied that they've been asked to consider if the Town should make it easier/allow the work to be done without a wetlands survey. She said it is good to remove the plants, but wetland areas are good; what will people actually be doing when working in the wetland buffer areas/they may not always realize they are in the buffer areas without a survey.

Ms. Welo said they could offer suggestions about time of year; the work will be most successful when the invasive plants are not actively growing. She added that they should discuss the issue when Ms. Pooley is present/this is an area of particular interest to her.

Ms. Tripoli said the CAC could say they might pursue the issue and, in the meantime, see what other towns are doing about it.

Ms. Welo said she wanted to be sure homeowners would not be making the situation worse.

Mr. Towers said he is in favor of helping property-owners but does not feel he knows enough about the biological implications to offer an opinion.

Ms. Tripoli said she will try to get more information on the subject, and the CAC can discuss it at their next meeting.

Exterior Lighting
Ms. Welo said the Town of Somers has an anti-glare book that she will try to borrow.

Mr. Towers stated that the Town is considering an ordinance to restrict lighting on private properties, adding that Ms. Pooley is interested in this issue also.

Ms. Tripoli expressed concern about say-so over lighting at existing homes.

Mr. Towers said the Town will develop an ordinance or not, but it raises the issue of the CAC's mandate/purview. He added that he thinks rural character has visual and auditory qualities/those are natural resources in a way.

Ms. Welo suggested discussing the issue in July, and Ms. Tripoli said the CAC might just make suggestions.

Prospective Projects
Ms. Tripoli stated that the CAC has enough to work on for the time being.

Adjournment
Mr. Towers moved to adjourn at 8:58 pm.
All in favor.

Respectfully submitted,

Janice C. Will

Janice Will, Recording Secretary