

**CONSERVATION ADVISORY COUNCIL**  
**Meeting Minutes**  
**Monday, November 17, 2014**  
**Delancey Hall**

**Members Present:** Pam Pooley, Co-Chair  
Janine Selendy  
Nancy Welo  
Alan Towers

**Member Absent:** Lori Tripoli, Co-Chair

**Also Present:** Cynthia Curtis, Planning Board  
Gloria Stein, NSOLF  
Janice Will, Secretary

Pam Pooley opened the meeting. She said she asked Cynthia Curtis and Gloria Stein (not yet present) to come and explain a little about inspecting conservation easements, before any steps are taken to change the local law to name the CAC as inspectors.

The minutes of the October 20 CAC meeting were unanimously approved.

WP14-05 Isler/67 Mills Road

Ms. Curtis and Ms. Stein had not arrived yet, so the CAC moved on to discuss a recent site inspection at 67 Mills Road.

Ms. Selendy, who went on the site inspection along with Nancy Welo and Lori Tripoli stated that the applicants want to have an in-ground pool built next to their patio, where it will be very close to the wetlands on the property.

Ms. Welo remarked that the entire lot, including the house, is within the wetlands buffer area.

Ms. Selendy thought the pool could be built in another spot where the buffer is wider.

Ms. Welo pointed out that the CAC may only suggest such things, and Ms. Selendy said she would like to do that/recommend the pool be put in near a shed on the property.

Ms. Welo said the septic expansion area might be where Ms. Selendy was suggesting. She added that if the pool is right near the house the Islers will be the first to notice if there is any kind of problem, and she added that people can be rather casual about draining pools.

Ms. Selendy asked if the pool has already been approved by the Building Department.

Ms. Welo explained that approval is retroactive, because of the existing pool that will be removed. She said the architect delineated the wetlands and acknowledged the intermittent stream going through the property and down to the reservoir. Ms. Welo stated that the applicant was granted a previous wetland permit for a shed on his property. She said it would be good if they were to enclose the pool, but that isn't what they want.

Ms. Pooley asked what the Building Inspector (Bruce Thompson) and the wetlands consultant (Joe Bridges) thought.

Ms. Welo replied that they noted that the property is a wooded, upland wetland area that won't flood.

Ms. Pooley asked if a full wetland permit will be necessary.

Ms. Welo said Mr. Thompson and Dr. Bridges noted that there is an existing pool and the area is already disturbed. Ms. Welo thought that, as long as the bottom of the old pool is cracked (sure to be, given its age), it would be better to knock in the top 3 ft. of it and fill it in where it is, causing less disturbance than completely removing it. The plan is currently to employ silt fences and hay bales and also to create a resource/material pile near the driveway. She said the septic pipe would be in the way, and Mr. Thompson noticed this also/the pipe will need to be protected.

Ms. Pooley asked what the Islers want to do about the old pool, and Ms. Welo said they planned to dig it all out.

Ms. Selendy said it was suggested that dirt excavated for the new pool could be used to fill in the area of the old pool.

Ms. Welo said it would be better to simply collapse the old pool.

Ms. Pooley said people like to have a pool near the house for convenience; changing clothes, getting food, etc., and she tended to agree with Ms. Welo that the Islers will be better able to keep an eye on it/notice if anything goes wrong if the pool is near the house.

Ms. Selendy seemed surprised that construction of a pool was ever allowed, but Ms. Welo said she thinks the old one was probably built in the 1920's.

Ms. Pooley asked who will write the report on the site inspection.

Ms. Welo said she hasn't talked to Ms. Tripoli yet, and Ms. Selendy had not stayed for the whole inspection. She added that they did talk to Mr. Thompson while they were at the site.

Ms. Pooley said she feels it is important to have things in writing

Mr. Towers commented that if the issue is buffer-area disturbance, it will be disturbed for removal of the old pool regardless of where the new pool goes.

Ms. Welo said she will contact Ms. Tripoli to get her thoughts. She thought they should offer options; build the pool near the shed or adjust the plans to build it near the house so there will be less of a disturbance.

Ms. Selendy thought they should also find out what the water treatment plan is.

Mr. Towers asked if it is possible that if there is a lot of rock present/might they need to blast?

Ms. Welo said one really large rock was noted; the Islers will have to look into what it will take to get it out. If blasting is required, it would be very expensive and the proposed pool site is very close to the house/blasting could affect the foundation. She said she will send everyone some bullet points and ask Ms. Tripoli for her contributions. Ms. Welo said she also spoke to Mr. Thompson about the Papovich wetland permit application but has not written a report.

Ms. Pooley asked her to please write a short report that the secretary can forward to the Planning Board.

#### Conservation Easements/CAC's Role

Cynthia Curtis stated that the Town has been taking conservation easements since the 1980's; in the beginning the Town was the grantee, but they switched it to the Open Land Foundation and the Westchester Land Trust because there is some work involved. Rules and regulations re conservation easements can be found in the appendix of the Code book. She explained that all conservation easements are supposed to be inspected annually to make sure that conditions are still in accordance with their granting, and 501C3's must make annual inspections to get certified. In 2000, David Birney was hired to inspect them and provide baseline data. Dr. Birney produced binders of data, photographs, maps, etc. for each conservation easement at the time. Ms. Curtis explained that the binders are unavailable due to temporary storage of records while the new court building is being constructed; the reports are available in LaserFiche, but without the larger maps, etc. The maps may be viewed on-line in the Open Land section of the Comprehensive Plan.

Ms. Curtis displayed a map of the conservation easements and pointed out those that are the Town's. She explained that the Audubon Society parcel is hatched because there is a NSOLF conservation easement over it; if the Audubon Society ever wants to sell the land, they may not sell it to a developer.

Mr. Towers asked how the Town "takes" conservation easements.

Ms. Curtis explained that it is one of the things the Planning Board requires when reviewing sub-division/development proposals. She added that the Planning Board concentrates on what part of the land may be disturbed and what part may not. Most applicants do not want to go through an environmental review of the entire parcel, so a building or disturbance envelop is usually considered, and then the Planning Board often asks that the rest of the land be made a conservation easement.

Mr. Towers asked what the benefit to the Town is once a conservation easement is granted.

Ms. Curtis said it is basically that the land will remain undeveloped. She explained that there may be no buildings, usually no tree removal (except dead trees); sometimes paths may be created and at Peach Lake there may be no pavement or permanent docks. She added that sometimes conservation easements allow recreational use, but not usually.

Ms. Pooley asked if there isn't a tax advantage to granting a conservation easement on one's property.

Ms. Curtis said that sometimes there is a Federal tax break for giving up development rights, but some people just want to do it.

Mr. Towers asked what his incentive would be to grant a conservation easement on, for purposes of discussion, his 100 acres, and Ms. Curtis answered that he would be giving up development rights and there would be a tax advantage.

Ms. Welo said that in the upcoming Town-wide reassessment, if it was learned that Mr. Towers had given 50 acres for a conservation easement, his assessment would be less.

Ms. Curtis said North Salem does not do that, but he could still take advantage of Federal tax breaks.

Gloria Stein explained that a property-owner may deduct up to 30% of the land's adjusted gross value over 6 years; there is pending legislation to increase the percentage and the number of years over which the deduction may be taken.

Ms. Curtis said that a contributing factor in granting a tax break is the ability to prove that the land could be a certain number of building lots; all this is part of the Planning Board sub-division application process.

Ms. Stein said a property-owner may also qualify for a New York State tax credit of up to \$5000 based on the land portion of their real estate taxes. She noted that the land is protected in perpetuity.

Ms. Curtis said a conservation easement is a better guarantee than a deed restriction which may be broken by future owners. She remarked that a current Planning Board applicant, despite having a large "no-disturbance" area, does not want to grant a conservation easement.

Ms. Pooley asked how many conservation easements the Town has, and Ms. Curtis replied that there are 16, all from sub-divisions.

Mr. Towers asked if they offer public access.

Ms. Curtis answered that they do not usually, although sometimes bridle trails are permitted.

Ms. Selendy asked if the NSOLF easements are open.

Ms. Stein answered that 2 of 13 are open to the public. She went on to say that it depends on what a land-owner wants. She said the NSOLF has given some of their easements to the Westchester Land Trust and the Audubon Society for additional protection of the land.

Ms. Curtis pointed out all the Town's conservation easements on the map. She explained that any change or dissolution of a conservation easement requires agreement of all parties involved. She said none of the Town's conservation easements have been inspected since David Birney did it in 2002, which means that some later ones have never been inspected at all. Ms. Curtis said Dr. Birney was provided with a copy of the subdivision map and the actual easement documents to help him locate the parcel borders, and he also used GPS. The easement documents spell out what may and may not be done on the property.

Ms. Selendy asked why the easements have not been inspected.

Ms. Curtis replied that no one has had the time; if the CAC would like to do the inspections, she will go to the Town Board to ask that the law be changed to permit them to do so (*currently, only the Building Inspector and the Town's wetlands consultant are authorized to make these inspections*).

Ms. Curtis said it is important to document what the land looks like the day a conservation easement is granted. Those doing the inspection should take along surveys, take photographs, and there are forms/check-lists offered by the State that may be some help. She remarked that there were no markers in the field when Dr. Birney went out, but he wrote up what he saw to the best of his ability. Ms. Curtis told the CAC that a 501C3 like the NSOLF has to cover one of 5 criteria when taking a conservation easement.

Ms. Stein stated that in 2006, the NSOLF's information was not up to the level the Westchester Land Alliance wanted, and a consultant was hired to write baseline documentation reports on the conservation easements. She showed the CAC a notebook that contains the report, saying it has GPS information, maps, photos and surveys.

Mr. Towers asked about updates.

Ms. Stein said she walks the boundaries and writes an annual report. She commented that it is not always easy to determine the borders/only one of the NSOLF easements has marker-stakes. She showed the CAC an Easement Inspection form that she uses and said she also writes down other impressions. Ms. Stein also sends a letter to the property-owners explaining that she intends to look at the easement within a 2-week period and invites them to join her if they would like to go along. Another form she shared was a Monitoring form. She suggested the CAC could blend the 2 forms or just use them as a starting point to create their own.

Ms. Stein said having maps helps on site inspections, and she always tries to go at the same time of year; early spring is best, because all the trees aren't leafed-out yet.

Ms. Curtis said it is important to know where one is in the field/understand Dr. Birney's GPS information; she thought perhaps markers could be placed.

Ms. Stein showed the CAC an app for I-Phone or I-Pad called Motion X GPS that she uses; it is a locator that indicates where you are. She explained that she had been able to download the boundaries of some of her conservation easements onto her phone so she can see if she is in the easement area or not.

Ms. Curtis said the Building Department has a device that might be used for this, or perhaps something could be purchased for use on inspections. She said metes and bounds descriptions can be input to help. If a CAC member gets into the field and feels unsure about boundaries, the problem may be brought to the Building Inspector.

Ms. Selendy stated that she found an alternative to Ms. Stein's app that can be used on Android phones.

Ms. Stein said her downloads re the easements were derived from shape files.

Ms. Curtis thought the CAC could speak to the Assessor about getting help from the tax map company.

Ms. Stein offered the CAC some training material she has developed for NSOLF stewards.

Ms. Curtis gave the CAC paper files for all 16 Town conservation easements (most minus the maps), saying if they decide they want to do the inspections, the Town Board must be approached about changing the local law.

Mr. Towers said he would appreciate Ms. Stein accompanying them on a first run to show them what to do.

Ms. Stein said she can track and record where she goes with the Motion X GPS app and then e-mail it to herself and plot it on Google Earth. She also creates a file with photos.

Ms. Selendy asked if large properties would also have their interiors inspected.

Ms. Stein said they do; some are even inspected from planes.

Ms. Pooley thought Google Earth would be helpful.

Ms. Stein said you really can't see enough, but the County's GIS system is good/overlays may be added.

Ms. Curtis said some easements will be confusing, but most will not be.

Ms. Pooley suggested the CAC look at the easement files and get back to Ms. Curtis about whether or not they want to do the inspections.

Ms. Stein said they should look to see what restrictions (if any) there are in the written easements.

Mr. Towers remarked that he would like to go out and try to do one inspection before the CAC decides they want to take on the responsibility for them.

Ms. Welo said there is plenty of time before spring to look at the files.

Ms. Stein noted that dumping, deer-hunting blinds and saw-cut trees are all easy to spot.

Ms. Pooley thought the CAC should ask the Building Inspector to come to their next meeting to talk to them about inspecting the easements.

Ms. Curtis suggested creating their own forms/check-lists to use in the field.

Ms. Stein offered to e-mail the contents of her easement notebook to the CAC members. She said the easement inspections are really not hard; knowing where the boundaries are is the most difficult aspect.

Ms. Curtis stated that she has copies of the maps of the Town-owned easements in her office that the CAC may look at and also offered to e-mail maps. She has books/maps of the NSOLF and Westchester Land Trust easements as well.

Ms. Pooley offered to keep the files given to the CAC by Ms. Curtis.

Everyone commented on how helpful Ms. Curtis and Ms. Stein had been, and the guests left the meeting.

Ms. Pooley will ask the Building Inspector to attend the next CAC meeting.

#### Best Management Practices/Removing Invasives from Wetlands and Other Areas

It was noted that Ms. Tripoli is working on this/the CAC will discuss it at future meetings.

#### Pesticide Usage

Ms. Selendy was not ready to report on this topic yet.

#### Idling Signage

Lori Tripoli also working on this.

#### Meetings Attended

Those present had not attended any other meetings.

#### WP14-05 Isler, 67 Mills Road Site Visit

Ms. Welo will get input from Ms. Tripoli, who went along on this site visit as well as Ms. Selendy, and prepare a follow-up memo.

#### WP14-02 Papovitch, 7 Bloomer Road Site Visit

Nancy Welo will write a memo/report.

Homeland Towers/Bloomerside; Highgate/Woodlands

No activity re these projects at present.

Hawley Woods

A memo from the Town's engineering consultant re the stormwater pollution prevention plan for this proposed subdivision application was circulated recently. Ms. Pooley said there is an entire notebook of information about the Hawley Woods proposal and asked if someone would get it from the Planning Board office and look it over.

Alan Towers offered to get the book.

Library Collaboration

Pam Pooley said the library has confirmed that the CAC may have a table at their annual book/plant fair.

Ms. Welo said there are no specific details about the fair yet.

Ms. Selendy remarked that she would like to see the CAC have regular reports in the Town newsletters also.

Mr. Towers recalled that the CAC had come up with a list of topics and some potential speakers, but he did not think they should approach anyone to speak if they don't know for sure if there will be a fair.

Ms. Pooley said there will definitely be a fair; there is simply no date yet.

Regarding speakers, Ms. Welo said her friend at the Putnam County Cornell Cooperative Extension needs to find out if it is acceptable for her to do something in Westchester.

Mr. Towers read the list of topics drawn up at an earlier CAC meeting. He commented that having someone sit at a table and wait to see if anyone comes by with a question would not be good use of their time.

Ms. Pooley said she thought they were going to have a speaker session and Ms. Selendy agreed, recalling discussion of displaying sample plants, etc.

Mr. Towers said this is not the way things are done at the library fair; participants sit at tables and visitors move around.

Ms. Pooley envisioned mini pop-up sessions outside the library. She described something she participated in once: a guest speaker came to speak at an event in the garden at the school; at the same time she stood in another spot and invited people to bring her questions about gardening. No one approached Ms. Pooley, but they all gathered to hear the speaker. She said the CAC could arrange for each of their guest speakers to have a half-hour at their table to speak about their topics.

Mr. Towers thought it would help if people knew in advance that there would be speakers and what the topics would be.

Ms. Pooley said they will get some promotion on the library's blast communication. She added that once the date of the fair is set, the CAC should begin lining up speakers.

Ms. Selendy suggested speakers incorporate other interactive features, like a windowed composter with earth worms so people can see what happens.

Ms. Pooley asked that each CAC member approach one speaker; she will get someone to talk about invasive species.

Ms. Selendy will look for someone to speak on pesticide usage.

Mr. Towers will take energy audits/home insulation. He said he thought organic gardening would be a good tie-in for pesticides. He remarked that he had thought to ask someone from the Farmer & the Fish to speak, but their garden is not officially considered organic although they are working on that.

Ms. Selendy said they may be pesticide-free/they could still be good speakers. She added that they might also bring treats from the restaurant, which would attract people.

Ms. Welo will get someone to speak about composting, and it will be suggested that Ms. Tripoli try to get someone also.

The secretary pointed out that Ms. Tripoli will not be available for the next CAC meeting in Dec. 12/she will be away.

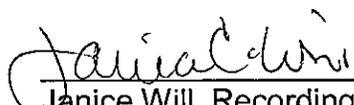
Ms. Pooley thought it would not be good to hold 2 meetings without her/she will see how Ms. Tripoli feels about it.

Ms. Welo said incoming applications always need to be discussed, but the May fair and some other agenda items can be put off.

Ms. Pooley thought they could meet with the Building Inspector even if Ms. Tripoli cannot be present.

The meeting was adjourned at approximately 6:35 pm.

Respectfully submitted,

  
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Janice Will, Recording Secretary