

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

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

Attendance: Charles Friedberg, Shoshana Hantman, Gloria Rosenzweig,
James Moriarty, Gary Meixner

Absent: Dr. Edward Merker, Dr. Frank Lapetina

Guests: None

Announcements:

Board member Dr. Frank Lapetina phoned the C.B. Secretary and informed her that he would not be able to attend the meeting tonight.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 2

Announcements:

Board member Dr. Edward Merker informed the C.B. Secretary that he would not be able to attend the meeting tonight.

Approval of Minutes:

C.B. Secretary Ms. Davis tabled the approval of the minutes for the December 9, 2008 regular meeting of the Conservation Board until the next meeting.

Old Business:

- A)** Town Requirements/Application submittal/Required documents according to Town Code: (CF/RD)
Conservation Board Secretary Ms. Davis informed Board member Friedberg that she had obtained copies of the documents and information that he requested at the last meeting. Ms. Davis forwarded the information to Mr. Friedberg for his review.

Board member Friedberg mentioned that he would be conducting a further review of the mandates for permits in the Town of Somers as per Town Code. He thanked Ms. Davis for her efforts.

The Board took no further action at this time.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 3

Old Business:

B) Conservation Board Goals for 2009/Discussion/Copy Report-CB, revised December 6, 2008: (CB)

The Conservation Board opened discussion at their meeting tonight regarding the goals that are being considered for 2009. Several of the Board members had some insight to share with the other Board members.

Chairman Gary Meixner brought up an idea that the Conservation Board was pursuing a few years ago. It involved having a section of the Anglefly Preserve named after former Board member John L. Behler who was a long-standing member of the C.B. and very active with the preservation of reptiles in particular turtles and snakes.

Chairman Meixner explained that Mr. Behler was very knowledgeable about many areas concerning the environment and he had also written several books. Chairman Meixner directed the Board to look on the Internet to familiarize them with information concerning Mr. Behler.

Gary gave a short synopsis of the life of John Behler to better inform the new members. He explained that John was the Curator of the Reptile department of the Bronx Zoo for many years and had traveled throughout the world for numerous causes and reasons as part of his job. He informed the Board that John was also one of the original people who walked the Eagle River property, now the Anglefly Preserve, from its inception and helped the team to locate sensitive areas with respect to the wildlife. Gary finished by saying that he would like to discuss the matter further.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 4

Old Business:

B) C.B. Goals 2009:

C.B. Secretary Ms. Davis asked the Board members if they had any ideas on possible goals for 2009. She mentioned that the Secretary to the Open Space Committee said just today that they would come on board if we needed any help with our pursuits regarding the Trailway in the town. Ms. Davis noted that she had a discussion regarding the recent endeavors of the Conservation Board with reference to the Trailway on Rte. 138 with the OSC Secretary.

Board member Gloria Rosenzweig inquired about the Trailway, as she had been unable to attend the last few Board meetings.

Ms. Davis said that the Board is trying to have a joint meeting with the Planning Board in order to consider a Trailway location along Rte. 138. The Board is of the opinion that it should be located along the road (Rte. 138) in order to avoid having to go through the JFK High School campus proper and the parking lot. It would probably have to skirt some watershed property on the other side as the homes are very close to the street, but that could be worked out over time.

Chairman Meixner noted that the Trailway goes from Baldwin Place to Lincolndale to the schools and over towards the train station behind the JFK High School.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 5

Old Business:

B) C.B. Goals 2009:

Board member Shoshana Hantman inquired about press coverage and asked if the Board would be interested in taking advantage of that medium.

Ms. Davis responded that her idea was a good one, but nothing could be decided without the entire Board being present. She advised that the concept would be duly noted for future reference.

Board member Gloria Rosenzweig mentioned her meeting with Dr. Ifay Chang at the Holiday luncheon sponsored by the Town of Somers. Gloria explained that he said he was further developing the website for the Town of Somers. She noted that he was interested in pursuing a *mission statement* from all of the various Boards and Committees in town. He described this endeavor as a kind of summation of both duties and goals incorporated into one entity which represents the epitome of what comprises the Conservation Board (our interpretation and that of the outside world) in its totality.

Ms. Rosenzweig informed the Board members that Mr. Chang said that he would be emailing the Board with reference to obtaining the Conservation Board *mission statement* (summation) for public viewing on the web. She explained that Mr. Chang is trying to create a positive outlook for Somers and one that is easily identifiable. She noted that the Board would have to start working on drafting a document in the near future.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 6

Old Business:

B) C.B. Goals 2009:

Discussion ensued among the Board members and in particular with Ms. Rosenzweig and Chairman Meixner referencing the Conservation Board members working on putting something together in order to be ready with the information when it is formally requested.

The Board took no further action at this time. Other ideas will be forthcoming from the Board members.

C) Joint Board Meeting/Discussion-Correspondence-Town Planner, Conservation Board & Planning Board/to discuss the Trailway at JFK High School with reference to the pending application before the PB for St. Joseph's Church relocation: (RD)

The Conservation Board discussed the above concept involving the creation of a Trailway at JFK High School on Rte. 138 (the proposed future location of the St. Joseph's Church) at their meeting tonight.

C.B. Secretary Ms. Davis informed the Board members that she spoke to the Planning Board Chair, Ms. DeLucia at the Holiday Party today. Ms. DeLucia explained that her Board did not address the idea at their meeting, but she plans to have some discussion regarding the proposed meeting of the two Boards in the near future. She ended the conversation stating that she will let us know the outcome.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 7

Old Business:

C) Joint Board Meeting:

Ms. Davis said that she would probably follow-up with an email to Mr. Foley and see what has become of the idea and whether or not he can be involved as liaison to the Conservation Board.

The Board members took no further action at this time.

D) Omnipoint Communication/@ Towne Centre at Somers/Site Plan/Planning Board/Application for Environmental Permit; Wetlands Delineation Report, prepared by Vanasse Hangen Brustlin, Inc. dated November 18, 2008; A Wetlands Evaluation Letter, dated November 18, 2008, prepared by Vanasse Hangen Brustlin, Inc., describing all functions currently provided by the wetlands under review; A Hydrogeological Analysis Report with Groundwater Protection Plan, prepared by EBI Consulting dated May 22, 2007; A Site Plan prepared by On Air Engineering, LLC dated November 25, 2008, revised in accordance with the comments of the Town Planner and Town Engineer, issued June 22, 2007, and in accordance with Section 167-6A of the Town Zoning Code, titled "Planning Board Wetland Application"; the EAF was previously circulated by the ZBA as lead agency pursuant to the NYSEQRA, (#325 Rte. 100, Somers): (JM)

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

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 8

Old Business:

D) Omnipoint Communications, Inc.:

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

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Report:

- Board member Moriarty informed the C.B. that there were some issues with this application that should be addressed.
- The hydrogeological report was a lot of reporting, but did not focus on what it should. The proposed parcel is located in the groundwater protection overlay district, which specifies no onsite fueling.
 - They are going to have excavation equipment on site and normally a tanker truck is brought in every day and it is filled, but according to the rules (GPOD), this cannot take place.
- The applicant cannot follow Town requirements in that they will have to bring a tanker truck on site in order to fill the excavation equipment. The equipment will not be moved off site in order to be filled.
- In Item 3.1 Section 1/re: silt fence; it needs to be upgraded to steel stakes (right now it says wood). The fabric should be dense fabric not plastic. It should have a 6" x 6" 14-gauge wire mesh backing.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 9

Old Business:

D) Omnipoint Communications, Inc.:

- Appendix C (on the Hydrogeological Analysis report/Photograph #9) this application contains a fundamental error. Note: it says *storm sewer discharge from catch basins*. A storm drain and sewer are two different things. On the engineering report the terms should not be confused. This needs to be corrected.
- Sewer discharge is anything that comes from the building (sanitary issues) and storm discharge is water from parking lots and roofs. There is never a sewer line going to a retention pond.
- On the application for an Environmental Permit the quantity of Excavation (*90-yards of materials/removed or replaced*). Mr. Moriarty did not know what for so he called and was told by the Engineer for the applicant that they are installing a trench and a platform for the tower. It is not being taken off site; the numbers are high, but it is all right if it stays there. This verbiage should be clarified.
- On the application for Environmental Permit the estimate shown should be accurate in every aspect. Presently it shows \$100,000.00. This is not accurate. The cost would more likely be between \$350,000.00 and \$750,000.00. It is possible that \$100,000.00 is the cost for the necessary paperwork, site work, surveying and engineering. This should be corrected.
- Board member Moriarty explained that this involves Town income. Therefore the applicant should provide an accurate number for the costs involved.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 10

Old Business:

D) Omnipoint Communications, Inc.:

Chairman Meixner inquired about the costs involved for installing a cell tower.

- Board member Moriarty said that he looked one up that was constructed in November 2008 (the same type of tower with a flagpole) and the cost was around \$750,000.00. The town needs to know the true value of the projects going on in the town.

Board member Rosenzweig asked if the applicants are located within the Groundwater Protection Overlay District?

Mr. Moriarty responded affirmatively.

Discussion ensued among the Board members with reference to the Groundwater Protection Overlay District and what is allowed and what requires a special exception permit.

- Page 2/BHV Engineering form/Hydrogeologic Function. The last time that the applicant performed a site analysis was in 2006. They have done work on the site involving the excavation and removal of the glacial till which changed the drainage aspects of the pond/retention basin. This information needs to be updated as it might increase or decrease the calculations.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 11

Old Business:

D) Omnipoint Communications, Inc.:

- Main Drawing Plan/Z-3/A Generator is shown located outside property line (it says 'existing'). It should be located within the property line. This should be clarified on the plan and shown what is being done with it.

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The Board members discussed the application among them and decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#09-02) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Omnipoint Communications @ Towne Centre site plan, wetland delineation, wetland evaluation, and hydrogeological analysis and groundwater protection plan at their meeting.

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

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

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 12

Old Business:

D) Omnipoint Communications, Inc.:

- 1) Hydrogeological report /Groundwater Protection Overlay District/Item 3.2:

The applicant cannot comply with the Town requirements in that they will have to bring a tanker truck on site in order to fill the excavation equipment. The equipment may be moved off site in order to be filled. Correct the document.

- 2) Hydrogeological report/In Item 3.1 Section 1/re: silt fence:

This needs to be upgraded to steel stakes (right now it says wood). The fabric should be dense fabric, not plastic. It should have a 6" x 6" 14-gauge wire mesh backing.

- 3) Appendix C/on the Hydrogeological Analysis report/Photograph #9:

This application contains a fundamental error. Note: it says *storm sewer discharge from catch basins*. A storm drain and sewer are two different things and on an engineering report, the terms should not be confused. This needs to be corrected.

- A sewer discharge is anything that comes from the building (sanitary issues) and storm discharge is water that comes from parking lots and roofs. There is never a sewer line going to a retention pond.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 13

Old Business:

D) Omnipoint Communications, Inc.:

- 4) On the application for an Environmental Permit Chapter 167
“Wetland and Watercourse Protection”:

The quantity of excavation (*90-yards of materials/removed or replaced*) was extreme. The Engineer for the applicant explained that they are installing a trench and a platform for the tower. The material is not being taken off site; the numbers are high, but it is all right if the material stays on location. This verbiage should be clarified.

- 5) On the application for Environmental Permit Chapter 167 “Wetland
and Watercourse Protection”:

The estimate shown should be accurate in every aspect. Presently it shows \$100,000.00. This is not accurate. The cost would more likely be between \$350,000.00 and \$750,000.00. It is possible that \$100,000.00 is the cost for the necessary paperwork. This should be corrected. As it pertains to Town income, it is important that it should be an accurate number.

- 6) Page 2/BHV Engineering form/Hydrogeologic Function:

The last time that the applicant performed a site analysis was in 2006. They have done work on the site involving the excavation and removal of the glacial till, which changed the drainage aspects of the pond/retention basin. This information needs to be updated (it might increase or decrease the calculations).

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 14

Old Business:

D) Omnipoint Communications, Inc.:

7) Main Drawing Plan/Z-3/Generator.

A generator is shown located outside the property line (it says 'existing'). It should be located within the property line. This should be clarified on the plan and the applicant should also show what is being done with it.

The Conservation Board will continue to review this application for Omnipoint Communications site plan as revisions are submitted.

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The Board members took no further action at this time.

New Business:

- A) BFJ Planning/FEIS/Somers Realty Planned Hamlet/Master Plan dated December 2008 Type I Action, Conceptual Master Plan to develop an 80-acre parcel making up the PH District in Baldwin Place, Site contains 9.7 acres of wetlands/9.85 acres of slopes 15% or greater. Public sewer and water is proposed; 152 Residential units; 80,000sq.ft. Assisted Living facility; 40,000sq.ft. Professional Office space; 20,000sq.ft. Medical Office space; 4,000sq.ft. Clubhouse; 30,000sq.ft. Retail-Restaurant space; 50-Units of Senior Affordable housing, (Baldwin Place/80 acres bet. Somers Commons on the east/Mahopac Ave. on the west): (JM/CF//SH/GR)**

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 15

New Business:

A) BFJ Planning/FEIS/Somers Realty:

The Conservation Board will review the above Planning Board application for BFJ Planning FEIS Somers Realty Planned Hamlet Master Plan at their next meeting.

Board members James Moriarty and 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.

There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member Charles Friedberg and seconded by Board member Gloria Rosenzweig. All members present approved.

**Conservation Board
Minutes of Meeting
December 23, 2008**

Page 16

The next regular meeting of the Conservation Board will be held at the Town House on January 13, 2008 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on January 27, 2008 and February 10, 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