

**CONSERVATION BOARD
MINUTES OF MEETING
JULY 22, 2008**

The July 22, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Dr. Frank Lapetina, Jim Moriarty,
Gloria Rosenzweig, Gary Meixner

Absent: Dr. Edward Merker

Guests: None

Announcements:

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

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Approval of Minutes:

A motion was made by Dr. Frank Lapetina and seconded by Gloria Rosenzweig to approve the minutes of the July 8, 2008 regular meeting of the Conservation Board. All members present approved.

Old Business:

A) Meadow Ridge Homes/Lot Line Change/Planning Board, Proposed Lot Line Change for Fernando & Tara Marques & Meadow Ridge Homes, Inc., not dated received June 24, 2008, Lot 25, Section 4.18, Block 1, Lot 15 & 16 (Lot 22) in Windsor Farms Subdivision, Prepared by Hudson Engineering, (off Rte. 6/ Windsor Farms Subdvsn): (GM)

B) Meadow Ridge Homes & Fernando & Tara Marques/Lot Line Change, Final Subdivision Plat/Planning Board, dated January 25, 2008, Lot 25, Section 4.18, Block 1, Lot 15 & 16 (Lot 22), Windsor Farms Subdivision, Prepared by Donnelly Land Surveying, PC, (off Rte. 6/ Windsor Farms Subdvsn): (GM)

The Conservation Board reviewed the above Planning Board application for Marques/Meadow Ridge Homes Lot Line Change, Preliminary Subdivision at their meeting tonight.

This review encompassed item "A" and "B" Old Business and item "C" New Business this document.

C.B. secretary Ms. Davis advised the Board members that the proposed lot line change be for an area that would encompass the addition of a swing set for the children. She mentioned that she spoke to the Assistant Town Engineer Steve Woelfle and he informed her about this application.

Chairman Gary Meixner reviewed the materials submitted and gave a verbal report to the Board.

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Old Business:

- A)** Meadow Ridge Homes: (cont'd)
B)

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Report/Discussion:

- The proposed application is located off Route 6 in Windsor Farms Subdivision.
- Chairman Meixner opined that with the proposed lot line change it would make the other lot unbuildable (due to size).

Board member Charles Friedberg inquired about the ownership of this lot and wondered if the builder owned it.

- Chairman Meixner responded negatively. He said that the builder owns the Company that owns the lot.

Board member Gloria Rosenzweig inquired about whether or not both lots would be buildable without the proposed lot line change.

Chairman Meixner stated that he did not know the answer to that question.

- He discussed the application and pointed out the location of the current lot line on the plans submitted.

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Old Business:

- A)** Meadow Ridge Homes: (cont'd)
B)

Who is the owner of Lot #22 said Mr. Friedberg? Is it undeveloped?

Chairman Meixner responded affirmatively, but noted that he did not think it would be buildable under the circumstances.

- Mr. Meixner went on to say that it appears that the applicant is eliminating anyone from building in his back yard.

Board member Rosenzweig noted that it really isn't important at this time whether or not the other lot is buildable.

- Chairman Meixner informed the Board that this is a new subdivision.

Board member Friedberg opined that if the applicant is willing to forego having another lot then he does not see that it is a bad thing.

Chairman Meixner said that it might still be buildable with a variance.

Dr. Lapetina interjected that it might even be grandfathered as well.

Mr. Meixner responded that he did not know about that.

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Old Business:

- A)** Meadow Ridge Homes: (cont'd)
B)

Board member Friedberg asked if this was his house.

Chairman Meixner said no that he lives elsewhere.

Board member Rosenzweig inquired as to how the applicant could say that he wants to build a swing set.

Mr. Meixner responded that he might be the owner of record.

Board member Friedberg asked do we have any reason to reject it based on the purview of this Board? There are no wetlands, steep slopes, trees, etc. right?

- Chairman Meixner read that, “. . . the resulting lot line change conforms to zoning. . .”.

C.B. secretary Ms. Davis noted that there is a revision to this application in New Business on this agenda under item number “C”, just in case the Board would like to take a look at it now.

The Board decided to go on and review New Business item “C” while conducting their review of this application.

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Old Business:

- C) Omnipoint Communication @ Towne Centre/Site Plan/Planning Board, Radio Frequency Report; Alternative Locations; Viewshed Analysis; Radio Frequency Emissions; Equipment & Fencing; Construction Procedures; FAA; Co-location, (@ Town Centre/325 Rte. 100): (GR)
The Conservation Board reviewed the above Planning Board application for Omnipoint Communication @ Towne Centre site plan, viewshed analysis, equipment and fencing at their meeting.

Board member Gloria Rosenzweig reviewed the materials submitted and gave a verbal report to the Board.

Report:

- The subject property is located at the Towne Centre #325 Rte. 100.
- Ms. Rosenzweig explained that the applicants propose to construct a cell tower at that site.
- The location of the proposed activity is 25-ft. away from the wetlands and within the wetland buffer zone.

Board member Rosenzweig noted that the C.B. could not approve this location as it is in the wetlands and maybe the applicant would consider relocating it down the road (Rte. 100) and put it on town property (which is a better location).

Chairman Meixner asked for clarification on where it would be located.

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Old Business:

C) Omnipoint Communication/Towne Centre: (cont'd)

- Ms. Rosenzweig said that it is only 25-ft. away from the wetland, behind the Shopping Center. She explained that both she and Gary looked at the site about 1 year ago.

Board member Charles Friedberg inquired about why the town would need two cell towers within 5 miles of each other.

- Board member Rosenzweig explained that apparently there are dead zones in the area and according to federal law they have to have adequate cell phone coverage.
- Ms. Rosenzweig suggested that the tower should be placed on Highway Department property and then the town would be able to get the revenue.

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Discussion ensued among the Board members with reference to this application and the location of the cell tower.

Board member Friedberg said, so we are saying just move it out of the wetlands.

Dr. Lapetina said that he did not see how they should say anything except the cell tower should not be located in the wetland buffer.

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Old Business:

C) Omnipoint Communication/Towne Centre: (cont'd)

Chairman Meixner agreed and said that the C.B. would prefer that it be moved out of the wetland buffer zone.

Ms. Rosenzweig advised that her understanding is that if the Board denies approval then the applicant would have to move the structure out of the buffer zone.

Board member Friedberg commented that the Board would like the applicant to come back with alternative sites that are not located in the wetland buffer zone.

After much discussion on the matter the Conservation Board decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#08-39) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Omnipoint Communication @ Towne Centre site plan, viewshed analysis at their meeting on July 22, 2008.

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 Board members reviewed the above site plan and decided that the cell tower appears to be located in the wetland buffer zone and they cannot approve this location.

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Old Business:

C) Omnipoint Communication/Towne Centre: (cont'd)

- 2) The C.B. will continue to review this application as revisions are submitted.

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The Board members took no further action at this time.

- D) Omnipoint Communication @ Somers Commons/Site Plan/Planning Board, Radio Frequency Report; Alternative Locations; Viewshed Analysis; Radio Frequency Emissions; Equipment & Fencing; Construction Procedures; FAA; Co-location, T-1 Title Sheet; C-1 Plot Plan & Property Owners List C-2; C-3 Site Plan & Site Detail Plan; C-4 Elevations & Details; C-5 Equipment Plan & Details; (Baldwin Place/#80 Rte.6): (GR)**
The Conservation Board reviewed the above Planning Board application for Omnipoint Communication @ Somers Commons, site plan viewshed analysis, equipment and fencing at their meeting.

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

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Old Business:

D) Omnipoint Communication/Somers Commons: (cont'd)

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Report:

- Ms. Rosenzweig noted that the location of this application would be at Somers Commons, Baldwin Place. Specifically, construction activity would take place in the parking lot and outside the buffer zone for the wetlands.
- She went on to say that the applicant proposes to construct a cell tower in the Somers Commons shopping center at Baldwin Place.
- Board member Rosenzweig commented that the applicant would probably be renting out space to other vendors.
- Ms. Rosenzweig explained that if you look at the plans you could see where it will reach, where the wetland buffer zone is located and who will be able to see what.

Board member Friedberg asked if this would be for the Town of Somers residents (located on town property).

- Ms. Rosenzweig responded in the negative. She opined that it should be on town property, but it is not.

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Old Business:

D) Omnipoint Communication/Somers Commons: (cont'd)

- She explained that the actual cell tower would be located behind New York Sports Club and next to Home Goods. It will look like a flagpole and it will be exhibiting an American flag.
- Board member Rosenzweig specified that there are no trees or steep slopes being impacted and the wetlands are 100-ft. away.

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Ms. Rosenzweig noted that the power of this Board is that we can deny any application that should not go through due to environmental constraints. She went on to say that of course it would have to be a consensus of the Board, but this is a perfect instance where that vote would work.

Discussion ensued among the Board members and they decided to write a memo to the Planning Board with their comments.

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A memo (#08-40) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Omnipoint Communications @ Somers Commons site plan, viewshed analysis at their meeting on July 22, 2008.

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

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Old Business:

D) Omnipoint Communication/Somers Commons: (cont'd)

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

- 1) The Board members reviewed the above site plan and proposal and decided that there were no environmental concerns with the application as proposed.
- 2) The Board members have no further comment or suggestion at this time.

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The Board members took no further action at this time.

E) Mitchell Subdivision/Preliminary Subdivision/Planning Board, As-Built Topographical Map & Survey of Property dated March 29, 2007; Section 16.09, Block 1, Lot 9, Steep Slope Area 9800sq.ft.; Parcel is 7.1 acres, Full EAF, Preliminary Plat Conventional Subdivision dated June 14, 2007, revised May 30, 2008 Prepared by Bibbo Associates, LLP(Rte.118 Tomahawk Street/400-ft. from intersection Green Tree Road): (JM)
The Conservation Board reviewed the above Planning Board application for Mitchell Subdivision, preliminary subdivision at their meeting.

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

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Old Business:

E) Mitchell Subdivision: (cont'd)

Report/Field Review:

- The property is located at Rte. 118 Tomahawk Street.
- The area contains one current residence with outbuildings; proposed to be divided into four lots.

Issues:

Erosion Control:

- The terrain has a steep drop near delineated wetlands.
- The erosion control fencing shows an alternate, which is not recommended.
- On page EC-1 the plan has a double asterisk after the words “woven wire fence” at the construction specifications. It refers to a detail for a wood staked silt fence as an alternate for erosion control. It is much cheaper and faster to install, but tends to fail with extended exposure to elements.
- Woven wire fence with a filter fabric overlay is a better option to stay with, as pitch of site when stripped will need a very strong system in place as water and silt will have accelerated downhill before being stopped by the fence.

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Old Business:

E) Mitchell Subdivision: (cont'd)

- There should be steel posts, not wood, to hold wire mesh in place. Wood will break at ground level after freeze/thaw conditions and steel will endure this.
- At steepest areas, this wire mesh fence should have the posts tied to stakes uphill, similar to staking tent posts. This will avoid washouts from fence failure at heavy rainstorms.
- 60" commercial posts are recommended in tandem with 32" x 330' wire mesh rolls of minimum 14 gauge, with 36" fabric face buried 6" at bottom.
- This is equally important at topsoil stockpiles, as they are unstable.

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Trees:

- The site appears to be second generation growth of trees over old farm land.
- There are not many significant trees on the property.
- There is one 36" Tulip tree at the entrance, which is rotten at the base; and needs removal.

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Old Business:

E) Mitchell Subdivision: (cont'd)

- Otherwise, the tree survey on the plans is poorly done, if at all; there is no clear tree sizes or species shown.

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Concrete Truck Washout:

- An area should be designated for the concrete trucks to washout after materials are delivered.
- They tend to shoot the wash, which could be several yards of material, into the nearest ditch. This will run into drainage areas and severely damage the erosion control systems.
- Thus, select an area that can be back-filled when all concrete work is complete.
- A site like this could use 60 concrete trucks or more. (i.e. most of new concrete contains fiberglass and calcium chloride).
- The curbing and anti-tracking pads do not show enough detail for review.

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Old Business:

E) Mitchell Subdivision: (cont'd)

Dr. Frank Lapetina questioned how many lots were the applicants proposing to make out of the parcel?

Board member Moriarty responded four.

Dr. Lapetina said that each lot would be over one acre in size.

Mr. Moriarty responded affirmatively specifying that a lot would be taken out for the wetlands.

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

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A memo (#08-41) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Mitchell Subdivision, preliminary subdivision at their meeting on June 22, 2008.

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) There should be an area designated for concrete trucks to washout after material is delivered.

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Old Business:

E) Mitchell Subdivision: (cont'd)

- An area should be selected that can be backfilled when all concrete work is complete.
 - The applicant should not allow the wash to go into the nearest ditch as it will run into drainage areas and damage the erosion control systems.
- 2) The tree survey on the plans should be revised.
- There are no clear tree sizes or species shown on the plans submitted.
- 3) Curbing and anti-tracking pads do not show enough detail for review.
- 4) The applicant proposes to use the wood staked silt fence as an alternate for erosion control. It tends to fail with extended exposure to the elements.
- The CB recommends using woven wire fence with a filter fabric overlay and steel posts. The pitch of the site will need a very strong system in place as water and silt will accelerate downhill before being stopped by the fence.
 - We recommend 60" commercial posts with 32" x 330' wire mesh rolls of a minimum 14 gauge, with 36" fabric face buried 6" at bottom. At steepest areas wire mesh fence should have posts tied to stakes uphill (like tent posts).

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Old Business:

E) Mitchell Subdivision: (cont'd)

- This is equally important at topsoil stockpiles, as they are unstable.

The Conservation Board will continue to review the Mitchell Subdivision as revisions are submitted.

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The Board members took no further action at this time.

New Business:

A) Meichner Subdivision/Site Plan/Planning Board, Construction Plan and Integrated Plot Plan, Profiles and Details, Tree Plan and 30 Scale Construction Plan, Smith Road Improvement Plan dated August 23, 2007, revised July 3, 2008, Prepared by Bibbo Associates, LLP; Other – Declaration of Restrictive Covenant-Smith Lane Maintenance Agreement, (Warren Street to Smith Lane): (GM)

The Conservation Board will review the above Planning Board application for Meichner Subdivision site plan, construction plan, and integrated plot plan 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.

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New Business:

A) Meichner Subdivision: (cont'd)

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

B) Joint Meeting/Open Space Committee & Architectural Review Board/update on progress of Angle Fly Preserve/invite for representative from CB/on Thursday July 24 @7:30PM in Meeting Room of Town House: (CF)

The Conservation Board was invited to attend the Joint Meeting of the Open Space Committee and the Architectural Review Board for an update on the progress of the Angle Fly Preserve.

Board member Charles Friedberg volunteered to attend this meeting and report back to the Conservation Board.

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

C) Meadow Ridge Homes/Fernando & Tara Marques Lot Line Change dated July 15, 2008, revised July 18, 2008, Preliminary Subdivision/Planning Board, Prepared by Bibbo Associates/Donnelly Land Surveying, (off Rte. 6/Windsor Farms Subdvsn): (GM)

The Conservation Board reviewed the above Planning Board application for Marques, Meadow Ridge Homes Lot Line Change, Preliminary Subdivision at their meeting tonight.

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New Business:

C) Meadow Ridge Homes: (cont'd)

The Conservation Board members referred to this item on the agenda as it is the same subject matter and pertains to items "A" and "B" Old Business. They continued their review of the subject property.

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Report/Discussion:

Chairman Meixner said that according to these plans it appears that the other lot would still be buildable.

What happened at the Planning Board meeting on July 9th said Chairman Meixner?

Board member Friedberg noted that the Planning Board Meeting of July 9, 2008 reads that the Marques purchased a sliver of property from "Jim" to enlarge their back yard. The piece of property is located between Lot #25 (Marque's property) and Lot #22 (Jim's property). There is a public hearing on the 10th of September. We would assume that Jim is the owner.

Chairman Meixner asked who is Jim?

The Board members reviewed the plans and compared the old plans with the newly revised ones. They commented that the plans look identical. They came to realize that the owner of Lot #22 is Jim Zappi.

Chairman Meixner noted that there appears to be no revision box on the plan submitted.

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New Business:

C) Meadow Ridge Homes: (cont'd)

Board member Dr. Lapetina inquired as to whether or not a narrative was with the new application.

Board member Charles Friedberg responded negatively and specified that there is merely a letter to the other homeowner.

Discussion ensued among the Board members with reference to the Meadow Ridge Homes, Inc. application.

Ms. Rosenzweig said that now the C.B. knows that where it says Jim they mean Mr. Zappi.

After much discussion by the Board they decided to write a memo to the Planning Board stating that they have no environmental concerns.

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A memo (#08-38) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Meadow Ridge Homes, Marques Lot Line Change, and preliminary subdivision at their meeting on July 22, 2008.

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 comments:

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New Business:

C) Meadow Ridge Homes: (cont'd)

- 1) The Conservation Board reviewed the above Lot Line Change and decided that there were no environmental concerns with the application as proposed.
- 2) The Board members have no further comment or suggestion at this time.

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The Board members took no further action at this time.

D) Budget-CB 2009/Forms/Cover memo and budget forms were emailed to the C.B. on July 28, 2008/they are due in the Finance Department by September 2, 2008:

The Conservation Board members acknowledge the receipt of the Budget forms for 2009 with a cover memo. They are aware that the document is due in the Finance department by September 2, 2008.

The C.B. secretary Ms. Davis will be working on this project with Chairman Meixner.

A draft copy of the Conservation Board Budget for 2009 will be made available as soon as it is prepared.

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New Business:

D) Budget CB/2009: (cont'd)

The Board members took no further action at this time.

E) Town Board Resolution/to refer/CB for Comment/proposed Local Law creating a town wide Historic Landmarks Preservation Commission for review and comment at their meeting on July 10, 2008 and dated July 14, 2008:

Chairman Gary Meixner tabled discussion of the proposed Local Law creating a town-wide Historic Landmarks Preservation Commission for Review and Comment to be forwarded to the Town Board until the next meeting.

The Board members will discuss this item and give a response to the Town Board afterwards.

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

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There being no further business to discuss, a motion to adjourn was made at 9:15 PM by Board member Charles Friedberg and seconded by Board member James Moriarity. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on August 12, 2008 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on September 9, 2008 and September 23, 2008 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