

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
NOVEMBER 10, 2009**

The November 10, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Shoshana Hantman, Dr. Edward Merker, James Moriarty, Gloria Rosenzweig, Gary Meixner

Absent: Dr. Frank Lapetina

Guests: None

Announcements:

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

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Approval of Minutes:

A motion was made by Charles Friedberg and seconded by Shoshana Hantman to approve the minutes of the October 27, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Charles Friedberg made changes to the minutes dated October 27, 2009 on page 15.

Board member James Moriarty made changes to the minutes dated October 27, 2009 on pages 13 and 19. Memo #09-41 was subsequently revised due to the proposed changes.

Board member Gloria Rosenzweig made changes to the minutes dated October 27, 2009 on page 16.

Old Business:

- A)** Opengate Site Plan/Site Plan/Planning Board/Proposed Parking Lot Extension Opengate Campus/Sheet 17.06-1-3, New parking spaces (20) plus (8) relocated, Area of site activity-0.45 acres, Site Plan SP-1 dated 9-20-09; CM-1 Constraints/Soils Map dated 9-20-09; Survey of Property rev. dated 12-13-04; Pre & Post Development Peak Stormwater Analysis & Infiltration Computations dated 9-16-09; Corporate Affidavit of Ownership; Letter of Tax Exemption, (#28 Warren Street): (JM)
The Conservation Board reviewed the above Planning Board application for Opengate site plan, proposed parking lot extension, new parking spaces, constraints and soils map and stormwater analysis at their meeting.

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Old Business:

A) Opengate/Site Plan:

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:

- Mr. Moriarty specified that the Opengate application was located on #28 Warren Street, just down the road from the entranceway to Heritage Hills.
- He informed the Board that the applicants are proposing an extension to the parking area comprising 20 new spaces and relocating 8 existing spaces.
- Board member Moriarty stated that the area of site activity is just under one half acre in size.
- He advised that he reviewed all of the plans submitted by the applicant and has a written report for the Board.

C.B. Secretary Ms. Davis confirmed that she copied the Board and passed out the report before the meeting.

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Old Business:

A) Opengate/Site Plan:

- Mr. Moriarty noted that 3” porous asphalt concrete over a 9” recharge bed of 3” stone was displayed on the plans submitted by the applicant. He advised that he does not recommend porous asphalt concrete, as it would enable the drippings from cars and trucks with oil, fuel, antifreeze, etc. to proceed into the wetland area untreated. He noted that the water would become contaminated by the runoff from the parking lot.
- Board member Moriarty recommended that it would be preferable for the parking area to have an impervious surface and incorporate oil and grease separators. The oil and grease separators should be installed in order to remove harmful chemicals and take them away from the parking lot and the wetland. This would dispose of the contaminants properly in the storm drains after the runoff has been treated.
- He further explained that the area of disturbance is located approximately 18-ft. from the wetland buffer. Therefore it would be advantageous for the environment to contain the oil and grease drippings with this feature.
- Mr. Moriarty noted that these units are designed to remove hydrocarbons and sediment from parking lot runoff specifically. However, if you skip that step then everything (including contaminants) will drain down into the wetlands eventually.

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Old Business:

A) Opengate/Site Plan:

- Board member Moriarty commented that his other concern was the curb detail, which shows a 60-degree facing. He recommended a Cape Cod type facing (less of an angle) so as to promote wildlife mobility.
- Also, he said that the silt fence installation notes on the plans submitted are conflicting, one note says backfill fabric with gravel, and another says backfill with tamped soil, which is it?
- Mr. Moriarty noted that there are several proofreading errors. The applicant spelt downstream and perforate wrong, and showed a notation of (6" x 6") that they did not explain what they were referring to on the application. The applicant needs to review what they are submitting to the town, he said.

Ms. Davis inquired about the parking lot and asked if there was only one parking area that was being reviewed at this time.

- Board member Moriarty responded that it is just an extension of an existing parking area. He reiterated that any runoff from the plans as proposed would be going straight into the wetlands.

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Old Business:

A) Opengate/Site Plan:

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 (#09-40) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Opengate site plan, proposed parking lot extension, and stormwater analysis at their meeting on November 10, 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:

SP-1 MAIN DRAWING:

- 1) The applicants should use asphalt with oil and grease separators on their parking lot extension as they remove hydrocarbons and sediment from the parking lot runoff prior to conveyance to the storm drain.
 - The potential for drippings from trucks and cars (oil, fuel, antifreeze).
 - The proximity of the nearby wetlands.

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Old Business:

A) Opengate/Site Plan:

SP-1 CURB DETAIL:

- 2) The applicant should revise the plans to incorporate Cape Cod type facing.
 - To promote wildlife mobility for the nearby wetlands.

SP-1 SILT FENCE:

- 3) On one plan the applicant says that they will backfill the fabric with gravel and another says backfill with tamped soil. Which is it?

SP-1 PROOFREADING:

- 4) There are several proofreading errors on the document submitted.
 - The words downstream and perforate are both spelled incorrectly.
 - The notation 6" x 6" alludes to what feature (it does not show what it refers to)?

The Conservation Board will continue to review the application for Opengate parking lot extension as revisions are submitted.

The Board members took no further action at this time.

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Old Business:

- B)** Wright's Court/formerly Barlow Ct./Hallic Place/ Site Plan/Planning Board, Site Layout Plan dated January 18, 2002, revised October 21, 2009, prepared by Kellard Sessions Consulting, PC; Site Lighting Plan, revised October 8, 2009, prepared by Robert Newell Lighting Design, (Scott Drive/off Rte. 100/202): (CF)

The Conservation Board reviewed the above Planning Board application for Wright's Court site plan, site layout plan and site lighting plan at the meeting.

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

Mr. Friedberg explained that he reviewed the site plan and found that it pertained solely to the lighting aspects of the development. He advised that he had no comment on the application.

C.B. Secretary Ms. Davis inquired about any site revisions that might be present on the revised plans.

Board member Friedberg said that he was not aware of any changes to the plans submitted, especially with regards to steep slopes, wetlands or tree preservation. He specified that he would not conduct a review on a site plan unless it pertained to the purview of the Conservation Board.

Ms. Davis noted that site plan reviews are to be looked at in any capacity it does not have to pertain solely to wetlands, steep slopes or tree preservation.

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Old Business:

B) Wright's Court/Site Plan:

Mr. Friedberg commented that he is only concerned with steep slopes, wetlands and tree preservation.

Chairman Meixner advised that the Board could have concerns with lighting aspects of a development, depending on what is proposed to be used and where it is located.

Some discussion ensued among the Board members with reference to this application and revisions to the plan.

The Board members took no further action at this time.

C) Dedication at Angle Fly Preserve/John L. Behler - Update/C.B. Secretary Ms. Davis/re: regarding report (at Town House) from Open Space Committee Secretary Denise Schirmer: (RD)

C.B. Secretary Ms. Davis informed the Board members that she received an update on the proposed dedication at the Angle Fly Preserve from Denise Schirmer Secretary of the Open Space Committee today at the Town House.

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Old Business:

C) Dedication/Angle Fly/JLB:

Ms. Davis explained to the Board that she advised Ms. Schirmer that the Conservation Board recently sent a memo to the Town Board thanking the Open Space Committee and Michael Barnhart for their efforts on behalf of the dedication to John L. Behler, former Conservation Board member.

Ms. Schirmer noted that at the recent Town Board meeting they passed a resolution adopting the suggestions made by the Open Space Committee. She explained that they approved their request for the trail and bridge dedications for two individuals who had devoted long hours of their time to advising the Town of Somers on numerous occasions, but especially for the Angle Fly Preserve. Those individuals are former Conservation Board member John L. Behler and former Open Space Committee member Peter Burckmyer.

Board member Gloria Rosenzweig inquired about the picture and plaque and was wondering if that would be utilized on the dedication of the bridge for John Behler.

Ms. Davis responded that first the bridge would have to be constructed and sometime afterwards it would be named and dedicated with the plaque as was presented by the Open Space Committee and decided by the Town Board.

The Board members took no further action at this time.

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New Business:

- A)** Planning Board/Site Walk scheduled for November 21, 2009 at 10 AM, walkers to meet at the Towne Centre site at 10 AM, Omnipoint Communications, 325 Rte. 100 (TM- 17.15-1-13); Application by Omnipoint Communications for an Amended Site Plan application, Special Exception Use Permit for activity within the Groundwater Protection Overlay District and a Wetland Permit for the installation of a wireless telecommunications facility, disguised as a flagpole, together with related equipment// Opengate Parking Lot Extension at 10:45 AM located at #28 Warren Street off Rte. 202 (TM- 17.06-1-3); Application of Opengate Inc. for amended site plan approval to extend the parking area by 20 additional spaces to the existing 8 parking spaces:
The Conservation Board was advised about the pending site walk scheduled by the Planning Board for Omnipoint Communications at the Towne Centre on November 21, 2009 at 10 AM.

Discussion took place among the Board members regarding the proposed application and the reason for the site walk as well as whether or not one of them would be able to attend.

C.B. Secretary Ms. Davis informed the C.B. members that the Planning Board would also be reviewing another application after Omnipoint Communications. She noted that the information was just retrieved today in the mail and she did not have a chance to add it to the agenda.

Board member Gloria Rosenzweig added that she read that it would be Opengate and Ms. Davis agreed. She went on to say that the Planning Board wants to check the color of the pole on the Omnipoint application.

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New Business:

A) Planning Board/Site Walk:

Board member Dr. Edward Merker mentioned that one of the concerns regarding the placement of the cell tower near a wetland is the possibility of contamination/runoff by chemicals/oil due to the transformer, etc. He suggested that the applicant create a barrier around the equipment just in case there is a leak or discharge from the equipment.

Chairman Meixner noted that there might be PCB's in the oil that is being used.

Dr. Merker said whatever the chemicals that are being used there should be some sort of containment area around the equipment (similar to a washing machine).

Board member Moriarty specified that they could install a containment barrier around the facility.

Dr. Merker agreed and said that the applicants should install some sort of containment barrier around the equipment in case of a leak or discharge. He noted that there should be a containment system around the facility to prevent any leakage into the wetlands.

Dr. Merker inquired about PCB's and whether or not they are still utilized.

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New Business:

A) Planning Board/Site Walk:

Chairman Meixner said that they are still using PCB's in transformers.

Board member Rosenzweig commented that she thinks the hardware is mainly electrical in nature.

After some discussion on the matter it was decided that a memo should be sent to the Planning Board stating the question/concern that was brought forth by the Board members.

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A memo (#09-42) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Omnipoint Communications, at their meeting on November 10, 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 Board members would like to know if there would be any chemicals that could leak out from the proposed facility.
- 2) If leakage is possible, we recommend that there should be a containment system to prevent any contaminants from going into the nearby wetland area.

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New Business:

A) Planning Board/Site Walk:

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

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The Board members took no further action at this time.

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

B) Conservation Board/Budget Hearing with Town Board at the Library on Wednesday November 18 @ 8:30 PM:

The Conservation Board is scheduled to have their budget hearing with the Town Board on Wednesday November 18, at 8:30 PM in the Library at Reis Park.

Ms. Davis noted that the Supervisor's Secretary Barbara Sherry changed the date from November 17th to the 18th. She confirmed that she would be attending the hearing, as she would like to ask the Town Board some questions pertaining to this year's budget and the proposed raise that was canceled for everyone sometime after the New Year.

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New Business:

C) C.B. Budget Hearing:

Discussion ensued among the Board members with reference to the meeting with the Town Board and what is expected from the Conservation Board.

C.B. Secretary Ms. Davis mentioned that the Town Board specified that the Conservation Board budget had to be the same as the one from 2009. She further noted that the budget from 2009 was the same as that of 2008 and 2007 respectively.

Ms. Davis went on to inform the Board that she was approved for a raise last year but the Town Board stopped all raises from going through due to budgetary constraints. She advised that the Union employees would be entitled to their raise as soon as their contract is signed and they would receive it retroactive back one year.

However, Ms. Davis specified that this would not be the case for part-time employees like herself. She would not get the raise from last year nor would she receive it retroactively. Therefore, she noted that in order to find out what will happen with her adopted increase in salary for 2009 she would have to ask the Town Board directly.

Ms. Davis advised that she would be attending the budget hearing with the Town Board on the 18th.

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New Business:

B) C.B. Budget Hearing:

Several of the Board members discussed the matter regarding the union workers verses the non-union employees in town and the Town Board changes to the adopted budget for this past year (2009). After some discussion Board member Friedberg mentioned that he would try to attend the budget hearing that night.

The Board members took no further action at this time.

- C) Somers Realty Planned Hamlet/Site Plan/Planning Board/Preliminary Subdivision Application, Preliminary Subdivision Plat/Section I PH Zone dated July 31, 2009 revised November 4, 2009, Road Construction Plan, Road A Profile, Prepared by Keane Coppelman Engineers, PC: (JM)**
The Conservation Board will review the above Planning Board application for Somers Realty Planned Hamlet, site plan, preliminary subdivision application and road construction plan and profile at their next meeting.

Board member James Moriarty will review the materials submitted and give a report to the Board.

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

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New Business:

- D)** The Mews @ Baldwin Place/Somers Realty Planned Hamlet/Site Plan/Planning Board, Senior Affordable Houseing, Drawing SP-1/Existing Conditions Plan; SP-2/Layout & Landscape Plan; SP-3/Grading & Utilities Plan; SP-4/Sediment & Erosion Control Plan; SP-5/Constraints & Soils Plan; D-1/Details, etc. dated November 4, 2009; Stormwater Pollution Prevention Plan; Preliminary Water Engineering Report; Preliminary Wastewater Engineering Report; Comments by Town Staff in Action Letter dated October 23, 2009; Prepared by Insite Engineering, (Rte. 6 Baldwin Place): (EM/GM)

The Conservation Board will review the above Planning Board application for the Mews at Baldwin Place (Somers Realty Planned Hamlet) site plan, landscape plan, sediment-erosion control plan and stormwater pollution prevention plan at their next meeting.

Board member Dr. Edward Merker and Chairman Gary Meixner will review the materials submitted, perform a site inspection of the property and give a report to the Board.

Discussion took place between Gary and Ed with regards to setting a time and date for the site inspection and review.

A report 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 8:50 PM by Board member Charles Friedberg and seconded by Board member Gloria Rosenzweig. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on November 24, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on December 8, 2009 and December 22, 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