

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
NOVEMBER 24, 2009**

The November 24, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Dr. Frank Lapetina, James Moriarty, Gary Meixner

Absent: Charles Friedberg, Dr. Edward Merker, Gloria Rosenzweig, Shoshana Hantman

Guests: Danille Boate, student/Marc Ehrenberg, resident

Announcements:

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

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Announcements:

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

Board member Gloria Rosenzweig phoned the C.B. Secretary to inform her that she would not be able to attend the meeting tonight.

Board member Shoshana Hantman emailed the C.B. Secretary to inform her that she would not be able to attend the meeting tonight.

Approval of Minutes:

A motion was made by Dr. Frank Lapetina and seconded by James Moriarty to approve the minutes of the November 10, 2009 regular meeting of the Conservation Board. All members present approved.

Old Business:

- A)** Conservation Board/Budget Hearing with Town Board in the Library at Reis Park on Wednesday November 18 @ 8:30 PM: (RD)
C.B. Secretary Ms. Davis informed the Board members that she attended the Budget Hearing at the Library and spoke with the Town Board on November 18th. She explained that the date had been changed from Tuesday to Wednesday by the Supervisor's office due to some conflict by another Board.

Ms. Davis also noted that the time was moved up (at the last minute) due to the fact that the hearings were moving along very fast and Supervisor Murphy had telephoned her to ask her to come over to the Reis Park Library as soon as possible.

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Old Business:

A) C.B. Budget Hearing:

Although Ms. Davis was able to get over to the hearing early she explained to the Board that she could not get hold of Chairman Meixner to let him know of the change in time. Therefore, he was not able to be present at the brief budget hearing that took place.

Ms. Davis advised the Town Board that the Conservation Board budget was basically the same for the past three years, as they were not allowed to alter it due to budgetary constraints. She asked the Town Board members if they had any questions regarding the budget and they did not. She noted that the C.B. Secretary has not had any increases in salary or supplies or anything since 2007.

She informed the Board members that she informed the Town Board that she understood that the town was on an austerity budget due to the loss of revenues for the town. However, she noted that the Conservation Board has been on an austerity budget for the last 27 years.

Ms. Davis specified that she asked the Town Board about the raise that was approved for her last year and wanted to know when it would come to fruition. They had changed their mind in January 2008 due to budgetary constraints.

She went on to say that she had spoken to Supervisor Murphy about this situation and she was advised that the union employees would get their increase in salary when the contract is signed and it would be retroactive back to last year.

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Old Business:

A) C.B. Budget Hearing:

However, she noted that the part-time employees would not be eligible for an increase nor would it be provided unless the Town Board deemed it prudent at the time. Either way it would not be retroactive back one year nor is there any guarantee that it would ever come to fruition at all.

Discussion ensued among the Board members regarding the union and whether or not they should represent the part-time employees.

Chairman Meixner advised that the union should have to represent the part-timers even if they are not allowed to join the union at the time.

Board member Dr. Lapetina said that the part-time employees could seek a petition of recognition by PERB the Public Employment Regulations Board as a bargaining unit regarding this matter.

Ms. Davis explained that the Town Board informed her that the union could not represent her.

Dr. Lapetina noted that their recognition of the union might not include the part-time employees and that is why they are saying that you are not represented, but you could argue the point that you have a community of interests. Did you ever try to ask the union if you could join and they denied you?

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Old Business:

A) C.B. Budget Hearing:

Ms. Davis advised that for the past 27 years she has been told that she cannot join the union and whenever she asked the union rep or anyone else that is what she has been told.

Discussion ensued among the Board members with reference to this subject matter.

Ms. Davis further explained that Supervisor Murphy mentioned at the hearing that she was given a raise in 2008, but that was not true. The C.B. budget has been carried over since 2007. This year it will be four years with no raise.

At the budget hearing Town Board member Paul Meyer said that the part-time employees are treated the same as union employees. But that statement is not true. He went on to say that he could not speak for the future, but they would try to do something about it, but she did not get a straight answer therefore, she presumes that they are not going to do anything about the situation even though they adopted a small increase in salary last year for the C.B. Secretary.

Ms. Davis specified that she read from her list of items that she does for the Town of Somers for free at the budget hearing. The list was as follows:

C.B. Secretary List of Items – Not Paid/Town of Somers

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Old Business:

A) C.B. Budget Hearing:

- Bulk of documentation reading.
- Time on most phone calls.
- Time spent on emails, including forwarding and copying.
- Additional time to accomplish minutes and memos and revisions.
- Time spent on fulfilling requests by TB/OSC, etc.
- Keeping up CB files (i.e. Cron files, Minutes, Memos, Agendas, etc.)
- Additional time spent on time sheet itemizations.
- Time spent on supply orders and changing cartridges.
- Majority of time spent in files (basement) including purging files.
- Organization time.
- Additional time spent copying documents as needed.
- Time spent doing research on projects.
- Time spent looking for items requested by Board members.
- Time spent on computer problems.
- Time spent on Xerox machine jams and problems.
- Time spent waiting.

Additionally:

- Use of my computers, electricity, phones, cell minutes and text.
- Water for Board members at meetings.
- Anything else I do without compensation.

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C.B. Secretary Ms. Davis noted that the Town Board took no action on her request at the time of the hearing.

The Board members took no further action at this time.

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Old Business:

- B)** 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 members reviewed the above Planning Board application for Somers Realty Planned Hamlet site plan, preliminary subdivision application and plat at their meeting.

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 advised the members that the location of the proposed subdivision is in the area of Baldwin Place prior to the intersection of Mahopac Avenue and Rt. 6.
- He explained that the application involved submission of a preliminary plat plan and a road construction plan by the applicant. He noted that there were no items for comment on the application.
- Board member Moriarty went on to say that the road profiles showed the side view of the piping. They display where the water line is going to come in (existing water line along Rte. 6).

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Old Business:

B) Somers Realty PH/SP:

Chairman Meixner inquired about whether or not there was anything around the piping.

Board member Moriarty responded affirmatively.

C.B. Secretary Ms. Davis asked if the applicant was approved to tie into the water line.

Chairman Meixner noted that it was already in there.

Mr. Moriarty responded that there is an 8 to 10-inch line that they are tapping into.

Chairman Meixner mentioned something about the fact that they have to maintain the pressure.

The Board members took no further action at this time.

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Old Business:

- C) The Mews @ Baldwin Place/Somers Realty Planned Hamlet/Site Plan/Planning Board, 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: (EM/GM)
The Conservation Board reviewed the above Planning Board application for the Mews at Baldwin Place/Somers Realty Planned Hamlet site plan at their meeting.

Board member Dr. Edward Merker and Chairman Gary Meixner reviewed the materials submitted, performed a site inspection of the property and Chairman Meixner gave a report to the Board.

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Report:

- Chairman Meixner explained that the site is located on the other side of Somers Commons at Baldwin Place (west) behind the bagel shop. Gary advised that he and Dr. Merker went on the site walk on Sunday morning. He informed the Board that there was no way they could actually walk the site as it was covered with heavy brush.
- Mr. Meixner noted that the Town is proposing to build senior affordable housing in this location. He referenced the fact that the residents will be able to walk to the store so it would be ideal for seniors.

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Old Business:

C) The Mews/Somers Realty-PH:

- Chairman Meixner specified that the parcel is being subdivided from a larger parcel of property that extends to Mahopac Avenue.
- He advised that the applicant is proposing housing above retail offices and a rehabilitation center, which is still before the Planning Board.
- On the northeast side of the property there is a well head that is not identified on the plans submitted. He remarked that this feature needs to be identified.
- There is another feature similar to a well head behind the existing building (bagel shop) that is approximately 60-ft. from their property. This needs to be labeled. He mentioned that these features might be test wells, but they are not identified on the plan.
- Chairman Meixner noted that there are two wells that are shown on the plan (SP-1) to the east of the existing building, but they are located 120-ft. off the property.
- The applicant is showing eastern cottonwood trees noted on the plans that are 15", 13", and 18" located around the property on the eastern border.

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Old Business:

C) The Mews/Somers Realty-PH:

- Mr. Meixner said the SP-2 Layout Landscape Plan has the drainage and stormwater features. There are raingarden proposed on the plan and they call it a bio-retention filter (several are proposed).
- He went on to say that on the northwest side of the property the applicants are proposing a grass swale (with no activity).

Dr. Lapetina noted that you would never want the trunk flare below ground level.

- Chairman Meixner pointed out that the emergency access is on the northeast side and there is a gravel emergency access (pad) driveway. He informed the Board that there would be a wheel washer on the east corner of the property.
- He mentioned that there were no large trees located on the parcel.
- The Chair noted that the proposed root ball for the trees is proposed to be 3 times the diameter, which is acceptable.
- The Chair advised that the construction entrance is located on the south side and will be the main entrance off the new road, which is perpendicular to the site.

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Old Business:

C) The Mews/Somers Realty-PH:

- He explained that the soils map reflects clay, as there is no topsoil.

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

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A memo (#09-43) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for the Mews @ Baldwin Place/Somers Realty Planned Hamlet site plan at their meeting on November 24, 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) On the northeast side of the property there is a well head that is not identified on the plans submitted (within the 100-ft. wetland setback).
 - This feature needs to be identified by the applicant and noted on the plans before future submissions to the Board.

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Old Business:

C) The Mews/Somers Realty-PH:

- 2) The Board noted that there are two wells that are shown on the plan submitted (SP-1) to the east of the existing building, but they are located 120-ft. off the property.
 - The applicant should label these wells.

- 3) There is another feature similar to a well head behind the existing building (bagel shop) that is approximately 60-ft. from the property.
 - This feature needs to be labeled.

The Conservation Board will continue to review this application for the Mews at Baldwin Place site plan as revisions are submitted.

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The Board members took no further action at this time.

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Old Business:

- D)** 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; Wetland Permit for the installation of a wireless telecommunications facility (disguised as a flagpole, together with related equipment), (Rte. 100/Towne Centre): (SH)
The Conservation Board will review the above site walk information regarding the Planning Board inspection of the amended site plan, special exception use permit and wetland activity permit for Omnipoint Communications. The applicants are proposing the installation of a wireless telecommunications facility on the far side of the shopping center and parking lot in the Towne Centre.

The Board members tabled discussion of this matter until the next regular meeting, as Board member Shoshana Hantman was not available for comment.

At the last Conservation Board meeting Board member Shoshana Hantman volunteered to attend the Planning Board site walk on November 21, 2009 at 10 AM.

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

The Board members took no further action at this time.

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New Business:

- A)** Wright's Court/Site Plan/Planning Board; Landscape Plan revised November 9, 2009, Prepared by Rosedale Nurseries, Inc., (Scott Drive/off Rte. 100/202): (GM)
The Conservation Board will review the above Planning Board application for Wright's Court site plan and landscape plan at their next meeting.

Chairman Gary Meixner will review the materials submitted and give a report to the Board.

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

The Board members took no further action at this time.

- B)** Iervolino/Steep Slopes Alteration Permit Application/Planning Board; Partial Topographic Survey of Property dated March 22, 1999, revised September 26, 2009/Sheet G1 of G1; Plan Section A-A, B-B, C-C; Construction of pool and retaining wall; Section 27.1.17, Block 1, Lot 21, Other- Custom Soil Resource Report; Soil Testing Inc.; Slope Drawing 1, 2, 3; Prepared by Terry Bergendorff Collins, (East side/#9 Farese Way/650-ft. from Watergate Drive): (JM)
The Conservation Board will review the above Planning Board application for Iervolino steep slopes alteration permit application, site plan at their next meeting.

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New Business:

B) Iervolino/SSAP:

Board member James Moriarty 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.

The Board members took no further action at this time.

C) Charles Balancia/Wetland Activity Permit/Administrative/change in patio area, (# 1 Butterfield Lane, Katonah (Twin Knolls): (FL)

The Conservation Board reviewed the above administrative wetland activity permit for Charles Balancia at their meeting.

Prior to his report Dr. Lapetina explained to the guests at the Conservation Board meeting the nature of administrative review team meetings and why they take place. He informed the guests that they involve areas that do not have to go before the Planning Board. They are areas that are usually single family residences that have a limited impact and scope. The approval authority is the Town Engineer. There is a review team that is composed of a member of this Board, the Town Planner, Town Engineer, Building Inspector and Assistant Engineer. After comments and review the Town Engineer has the authority to issue the permit. There is a fee for the permit, but the activity is always limited in scope.

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New Business:

C) Charles Balancia/WAP:

Dr. Lapetina noted that on the 13th of November there were two administrative reviews. One was located on Rte. 100 (Charles Balancia). He had a permit for a swimming pool. The location of the pool on one side it extended 5-ft. into the wetland buffer (original permit). Then the applicant came back with a modification of the permit because he wanted to add another 11-ft. to the original permit.

He explained that he did not agree with the modified extension as requested by the applicant, because there was room on both ends of the narrow side of the pool. The pool was rectangle so at the two narrow ends, it could be expanded and not interfere with the wetland buffer at all. The Town Engineer agreed with Dr. Lapetina. The Building Inspector said they could have another 5-ft.

Board member Dr. Frank Lapetina reviewed the materials submitted, attended the Administrative Review Team meeting and gave a report to the Board.

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Report:

- Dr. Lapetina advised the Board members that the proposed site for the wetland activity permit is located in Twin Knolls.
- He explained to the members that the applicant was back before the administrative review team because he revised the plans that were submitted previously. They had been sent back for a resubmission for a change in the patio area.

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New Business:

C) Charles Balancia/WAP:

- Board member Lapetina specified that the applicant submitted a plan, which stated to remove the existing brick wall and cut back lower patio by 3-ft. Use shrubs and grass to fill area between lower patio and pool patio.
- He advised that the applicant requested additional 7-ft. of pool patio reduced from our last request of 11-ft.
- Dr. Lapetina noted that the rationale for the additional patio request was the following:
 - 1) *Given the 100-ft. buffer restriction the pool is significantly closer to house than would have been desired. This resulted in our decision to remove the existing brick sitting wall and a chunk of the lower patio.*
 - 2) *Given the shade cast by the house and the mature tree covering on the east side of the pool patio, the applicant would like to add a seating area to the north/sunny side of the pool patio.*

Board member Lapetina mentioned that there was a Note at the bottom of the applicants drawing stating that:

Since moving into the neighborhood 5 years ago the applicant has planted more than 50 trees and countless shrubs and flowers on the property.

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New Business:

C) Charles Balancia/WAP:

Dr. Lapetina explained that the review team did approve Balancia at their last meeting.

The Board members took no further action at this time.

D) Donald Fleury/Wetland Activity Permit/Administrative/restoration of railroad ties and stone wall, Section 16.05, Block 3, Lot 32, (#20 Orchard Drive, Yorktown Heights): (FL)

The Conservation Board reviewed the above administrative application for Fleury wetland activity permit regarding the restoration of railroad ties and stone walls at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted and gave a report to the Board.

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Report:

- Dr. Lapetina informed the Board that the property is located at #20 Orchard Drive.

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New Business:

D) Donald Fleury/WAP:

- The restoration involves a failing stone wall and changing a railroad tie wall into a stone wall. The applicant noted that the walls would be constructed in the same location.
- Board member Lapetina advised that the Town Engineer was concerned about the proper disposal of the railroad tie wall.

Dr. Lapetina noted that in the Town Code there is an exemption for walls in 167.4 C. It says that you do not need a permit for repairing them unless you change the surface material.

He noted that this applicant has railroad ties and stone walls and he wants to make it all a stone wall, which involves repairing the existing stone wall, which is in disrepair. As long as the applicant does not go higher than 6-ft. then it does not have to go before the Planning Board. He also has a horseshoe pit alongside the railroad tie wall.

Board member Lapetina explained that he did not see any problem with what was being recommended by the applicant.

C.B. Secretary Ms. Davis informed the Board that she spoke to the Assistant Engineer regarding this application and he mentioned that there was a commercial problem and some septic constraints that the Building Inspector was looking into before a permit could be obtained for this property.

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New Business:

D) Donald Fleury/WAP:

The Board members took no further action at this time.

E) Kurtz/Steep Slope Alteration Permit/Administrative/Stormwater Management & Erosion-Sediment Control, Administrative Review Team Meeting November 16, 2009 (TM-28.09-1-17), (#25 Sunderland Lane/off Rte. 139): (FL)

The Conservation Board reviewed the above administrative application for Kurtz steep slope alteration, stormwater management and erosion-sediment control permit at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, attended the Administrative Review Team meeting and gave a report to the Board.

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Report:

- Dr. Lapetina explained that the Board that the property is located at #25 Sunderland Lane, off of Rte. 139.
- He explained that the applicant proposes to build a basketball court by cutting into the slope at the back of his property (full half court).

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New Business:

E) Kurtz/SSAP:

- Board member Lapetina advised the Board that he turned the application down because he felt that there was a flat area that could be used. He recommended that the application should be sent back for resubmission.
- Dr. Lapetina informed the Board that the administrative review team met on November 13th and the application was not approved at that time.

The Board members took no further action at this time.

F) Homeland Towers LLC/New Cingular Wireless PCS LLC (AT&T), Special Use and Area Variances Application/Notice of SEQRA Action, Zoning Board of Appeals, Intent to Act as Lead Agency, (#121 Rte./100): (JM)
The Conservation Board will review the above Planning Board application for Homeland Towers LLC, New Cingular Wireless PCS LLC (AT& T) special use and area variance application at their next meeting.

Board member James Moriarty 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:

F) Homeland Towers:

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

The Board members took no further action at this time.

G) Homeland Towers LLC/Wireless Telecommunications Facility/Request for Designation of Lead Agency/Somers Planning Board vs. Somers ZBA/Information sent to DEC and dated November 19, 2009, (# 121/Rte. 100): (FL)

The Conservation Board will review the above Planning Board/Zoning Board application for Homeland Towers LLC Wireless Telecommunications Facility request for designation of lead agency at their next meeting.

Board member Dr. Frank Lapetina 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.

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New Business:

G) Homeland Towers LLC:

The Board members took no further action at this time.

There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member Dr. Frank Lapetina and seconded by Board member James Moriarty. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on December 8, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on December 22, 2009 and January 12, 2009 respectively.

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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