

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
DECEMBER 22, 2009**

The December 22, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, Dr. Frank Lapetina, Dr. Edward Merker,
James Moriarty, Gary Meixner

Absent: Charles Friedberg, Gloria Rosenzweig

Guests: None

Announcements:

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

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

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Approval of Minutes:

A motion was made by James Moriarty and seconded by Dr. Frank Lapetina to approve the minutes of the November 24, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Dr. Frank Lapetina made changes to the minutes dated November 24, 2009 on page 4.

The minutes of December 8, 2009 were tabled until the next Conservation Board meeting.

Old Business:

- A)** Opengate/Campus Site Plan/Planning Board/Parking Lot Extension, Sheet 17.06, Block 1, Lot 3; Long form EAF-Part 1; MP-1 Site Plan dated 11-24-09; SP-1 – Parking Lot Extension/SP/ revised 11-24-09; Supplemental Narrative for NYSDEC Chapter 10/Enhanced; Phosphorus Removal Standards dated 11-24-09; National Asphalt Pavement Association Information Series 131 – Porous Asphalt Pavements for Stormwater Management dated 11/08, (#28 Warren Street/off Rte. 202): (FL)

The Conservation Board reviewed the above Planning Board application for Opengate Campus site plan, parking lot extension at their meeting.

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

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Old Business:

A) Opengate/Site Plan:

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Report:

- The application is located at #28 Warren Street, off Rte. 202 near the corner of Warren Street and West Hill Drive. There are two buildings that can be seen from the road.
- The applicants are proposing to add 28 new parking spaces. There is a small slope (approximately 2-degree difference) on the property.
- Dr. Lapetina informed the Board members that there were no environmental concerns, as the applicant has addressed the issues discussed by the Conservation Board.
- Board member Lapetina explained that there is an existing parking area on site and the applicant's plan on expanding that area in two locations.
- He went on to say that the wetland buffer zone is due to a creek that flows through Heritage Hills, which will not be impacted by the expansion of the parking area.

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Old Business:

A) Opengate/Site Plan:

- The applicants will be installing porous asphalt concrete paving in the proposed site to be developed. There will be a 9-inch bed of stone as a base. He explained that Heritage Hills has used a similar substance and it has worked out very well. The water has been able to drain right through the porous asphalt paving.
- Board member Lapetina noted that the applicants have installed a dry well at the end with a perforated pipe to catch everything and an outlet with storm drainage and riprap. They will be planting twelve Norway Spruce for screening he said.

Board member Shoshana Hantman mentioned that approximately one year ago the area in question seemed heavily wooded.

- Dr. Lapetina explained that the area in question is full of brush, not trees. However, he noted that there is a wooded area directly behind the parking lot, but there are no large trees and only a gentle slope.

Board member Hantman explained that the property she was discussing was to the west.

Chairman Meixner mentioned that the area is sloping downward.

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Old Business:

A) Opengate/Site Plan:

- Board member Lapetina informed the Board that the contour of 282 runs through the property, with a contour of 280 behind it and a contour of 284 that is well behind the parking area. He advised the Board that there is very little slope to the property in question.
- Dr. Lapetina noted that it is always welcome to see the applicant planting a variety of trees, but in this case they are just planting for screening of the parking area. He further explained that in the discharge area they put headwall on curbs.

Board member Lapetina inquired about Mr. Moriarty originally looking at the application in question.

Board member James Moriarty responded yes, that he was familiar with the application.

- Dr. Lapetina noted that the applicants had changed the silt fence, according to our recommendations where the pipe hits daylight, they are using a fabric silt fence.

The Board members took no further action at this time.

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Old Business:

- B)** Franzese/Wetland Activity Permit Application/Planning Board; Foundation Plan, Garage-Basement Plan, First Floor Plan dated August 31, 2009, Prepared by Joseph P. Paiva, Architect, PC; Site Plan & Erosion Control Notes & Details dated November 12, 2009, Section 17.12, Block 2, Lot 36, Prepared by Donald R. Knapp, PE Consulting Engineer, (#37 Rte. 116/Purdys/near corner of Entranceway): (JM)
The Conservation Board reviewed the above Planning Board application for Franzese wetland activity permit, site plan, erosion control notes and details 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:

- The application is located near the corner of Entranceway at #37 Rte. 116 Purdys.
- The applicants propose an extension/renovation to their home. The entire project is located within the wetland setback. There is no clearing to be done and the area is relatively flat. There is an existing stream that will be temporarily diverted.

Mr. Moriarty mentioned that the engineer or the applicant wrote by hand on the plans provided to the C.B. using a highlighter. He specified that apparently the applicants were attempting to mark where the stream was located.

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Old Business:

B) Franzese/WAP:

- There were some errors on the applicant's EAF (Environmental Assessment Form) that should be addressed.
- On number 4 there was a sentence that is incomplete. It reads *that it provides infiltration area, an wildlife habitat.* Mr. Moriarty explained that it should be clarified, as he is not sure what the applicant was trying to say.
- On the same page of the EAF number 6 it states, *on the cutting and the filling for the excavation it reads 22 yards for both.* However, the applicant should only be doing either cutting 22 yards or filling 22 yards so this needs clarification. The verbiage is unclear and the applicant mentioned it in the document two times.
- Also, there is a note on page one of the drawings that shows work will be done only during the dry season and then it states January and February, which is not the dry season. This needs to be clarified by the applicant.
- On page 2 of drawing number 12 of notes it says Putnam Valley Township. This should be corrected to say Somers.

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Old Business:

B) Franzese/WAP:

- On page 2 of the plans the erosion control fence should be non-plastic fabric on welded wire mesh with steel stakes, not wood.

Board member Dr. Edward Merker inquired about the foundation being close to the wetlands proper.

Board member Moriarty responded that the wetlands are located right there on the property and the stream is right there, so that was part of the original concern, especially with reference to the 'dry season' comments and working in the wetland buffer zone.

After some discussion on the matter the Board decided to write a memo to the Planning Board requesting clarification on several matters.

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A memo (#10-01) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Franzese wetland activity permit, site plan, erosion control notes and details at their meeting on December 22, 2010.

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:

B) Franzese/WAP:

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

- 1) The entire project is located within the 100-ft. wetland buffer area.
- 2) On page 2 of the plans the erosion control fence should read:
 - Non-plastic fabric on welded wire mesh,
 - With steel stakes, not wood.
- 3) On page 2 of drawing number 12 of notes, it says Putnam Valley Township.
 - This should be corrected to say Somers.
- 4) On the EAF submitted by the applicant the following items should be clarified:
 - On number 4 there was a sentence that is incomplete. It reads . . . *that it provides infiltration area, an wildlife habitat.*
 - We are not sure what the applicant is trying to say in this matter.

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Old Business:

B) Franzese/WAP:

- 5) On the same page of the EAF number 6 it reads, *on the cutting and the filling for the excavation 22 yards for both.*
 - The applicant should either be cutting or filling 22 yards.
 - This point is unclear. It was mentioned two times in the document submitted.

- 6) There is a note on page 1 of the drawings that shows work will be done only during the dry season and then it states January and February.
 - This needs to be clarified by the applicant.
 - January and February, are they considered the dry season?

The Conservation Board will continue to review the application for Franzese wetland activity permit as revisions are submitted.

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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 dated November 30, 2009; Full EAF; SP-1/Existing Conditions Plan dated 9-23-09; SP-2/Layout & Landscape Plan; SP-3/Grading & Utilities Plan; SP-4/Sediment & Erosion Control Plan; SP-5/Constraints & Soils Plan; LP-1/Lighting Plan; D-1/Details; D-2/Details; D-3/Details; Stormwater Pollution Prevention Plan; Senior Affordable Housing Component of PH, dated November 30, 2009, Prepared by Insite Engineering, (Baldwin Place/after Somers Commons): (GM/EM)

The Conservation Board members reviewed the above Planning Board application for the Mews at Baldwin Place site plan, landscape plan, sediment-erosion control plan, and stormwater pollution prevention plan at their meeting.

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

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Report:

- The property is located on Rte. 6 after Somers Commons and before Mahopac Avenue.
- The applicant prepared a book of figures to address drainage and stormwater control measures for the proposed site.
- Chairman Meixner informed the Board that the applicants prepared a letter to the Planning Board dated November 30, 2009.

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Old Business:

C) The Mews @ Baldwin Place/SP:

- The pre-building site showed drainage in the area at present and then showed post development drainage on the map on figure #3. The latter shows the altering of the drainage patterns of the property including changing the elevations slightly to accommodate the plans.
- Chairman Meixner explained that instead of all of the water going to the catch basin (as it does now), the applicants will divert some of the water to travel through the property and be dispersed along the way (through the building area).
- He noted that after completion of the work on site the stormwater management basin and retention ponds are all proposed to be connected.
- The documents provided indicated that the gravel emergency exit was proposed to be item 4, but the applicants have been asked to change the exit to $\frac{3}{4}$ inch gravel by the Engineering Department.
- In response to previous comments, he informed the Board that the parking lot drainage system has been eliminated to the greatest extent practicable, which includes the elimination of the catch basin and the dumpster pad. The water will sheet flow across the driveway to the gravel depressed area. Any runoff not infiltrated will continue to the bio-retention filter area.

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Old Business:

C) The Mews @ Baldwin Place/SP:

- Chairman Meixner noted that the tree protection detail has been revised (as requested by the Conservation Board formerly). The dripline has been revised so that it falls beyond the original stakes.
- He read from the document provided which states that it was the *intent of the master plan to have Cape Cod curbing along the wetlands in the southern and eastern portions of the site* (along the wetlands) and not in the area of the main buildings as proposed. The main area will have cement curbing similar to that of Somers Commons.
- The silt fence detail has been revised to incorporate metal or wood stakes. Chairman Meixner mentioned that the C.B. would prefer metal stakes as wood does not hold up in most cases.
- The full EAF states that there will be 72 units of senior affordable housing and one unit for the site superintendent. These will occupy two building sites. Currently there are 62 parking spaces proposed for the buildings.
- Discussion ensued among the Board members with reference to the parking spaces proposed and comparing them to that of Heritage Hills. It was the consensus of the Board that the parking area seems too limited for the proposed number of housing units that will be available.

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Old Business:

C) The Mews @ Baldwin Place/SP:

- Chairman Meixner advised the Board members that he thought two spaces per unit would be more conceivable for the proposed housing situation.

Board member James Moriarty said that in most cases if the housing unit were a two-bedroom then 2.4 parking spaces would in all likelihood be allocated for that unit.

Chairman Meixner noted that he was under the impression that Heritage Hills has parking problems at present. He said that there does not seem to be enough spaces to incorporate all of the vehicles owned by the residents.

Dr. Lapetina agreed and said that they have always had those problems, but the standard is two cars per family, not one and sometimes there can be three per household. There never seems to be enough room for two cars (per household) to park and if someone comes to visit then they usually have to park on the road.

- Chairman Meixner referred to the document provided stating that according to the *EAF the drainage on the property has 15% well drained, 10% poorly drained and 75% moderately drained* after construction takes place.

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Old Business:

C) The Mews @ Baldwin Place/SP:

- There was a question on the EAF (#8) regarding the depth of the water table and the applicant left that question unanswered. It is the responsibility of the applicant to answer all questions on the EAF said Chairman Meixner.

Board member Shoshana Hantman wanted to know who would potentially live in this neighborhood after development.

- Chairman Meixner responded that it is a senior living facility and the applicants would probably be residents over 62 years of age.

Mr. Moriarty noted that the age is now anyone over 55 years old and mentioned that the parking average is usually 1.2 cars per one bedroom facility.

- Chairman Meixner informed the Board members that question #11 on the EAF, *does the project contain any species that is endangered or threatened* and the response was *no according to Somers Realty Planned Hamlet DEIS/FEIS*.

He advised the Board that the response should refer to a qualified individual by name, not the DEIS.

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Old Business:

C) The Mews @ Baldwin Place/SP:

Discussion ensued among the Board members with reference to the nature of the response by the applicant to that question. It was the consensus of the Board that there should be a professional's name on the document (whomever did the endangered wildlife consulting), not an entire document (i.e. DEIS/FEIS).

- Chairman Meixner specified that on the EAF, page 621, question number 6, the anticipated construction time is scheduled for twelve months, which he commented does not seem feasible.

Mr. Moriarty mentioned that it would probably take approximately two years realistically speaking, depending on the weather conditions.

- Chairman Meixner advised that the EAF mentioned the electric usage and not the natural gas usage. He advised that the document provided should be referencing both forms of energy use for the site.
- He further noted that on page #10 of 21 question (#11a) the applicants discuss services such as police, fire and rescue, etc. and the question asks *if there will be sufficient services for the site*. The response is yes, but the applicant does not qualify the response.

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Old Business:

C) The Mews @ Baldwin Place/SP:

- Chairman Meixner pointed out that there were two well heads located (upon field inspection), that were not incorporated on the detailed map that was submitted by the applicant. Both well heads should be located and detailed on the plans submitted by the applicant he said.

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Discussion ensued among the Board members with reference to the residents who would be residing at this location and the parking requirements.

Board member Merker noted that the facility being built is not going to be for assisted living, but rather affordable housing, which is different.

Chairman Meixner thought that the number of parking spaces for the project was not very practical with modern-day living arrangements.

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

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A memo (#10-02) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for the Mews @ Baldwin Place site plan, landscape plan, grading, sediment-erosion control plan and stormwater pollution prevention plan at their meeting on December 22, 2009.

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Old Business:

C) The Mews @ Baldwin Place/SP:

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 silt fence detail has been revised to incorporate *metal or wood stakes*.
 - The Board prefers the use of metal stakes as wood does not hold up in most cases.

- 2) There was a question on the EAF (#8) regarding the depth of the water table; the question was left unanswered.
 - The applicant should answer all questions on the EAF.

- 3) Question #11 on the EAF was *does the project contain any species that is endangered or threatened* and the response was *no according to Somers Realty Planned Hamlet DEIS/FEIS*.
 - A professional's name should be included on the document (whomever did the endangered wildlife consulting), not reference to the entire document (i.e. DEIS/FEIS).

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Old Business:

C) The Mews @ Baldwin Place/SP:

- 4) The EAF mentioned the electric usage and did not mention the natural gas usage.
 - The document should address both forms of energy use for the site.

- 5) On page #10 of 21, question (#11a) the applicants discuss *services such as police, fire and rescue, etc.* and the question asks *if there will be sufficient services for the site. The response was yes.*
 - However, the applicant did not qualify the response.

- 6) There are two existing well heads located on site that were not incorporated on the detailed map that was submitted by the applicant.
 - Both well heads should be located, detailed and incorporated on the plans submitted.

- 7) There are 62 parking spaces proposed for a site that has 72 units.
 - Additional spaces should be considered for residential use.

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Old Business:

C) The Mews @ Baldwin Place/SP:

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

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The Board members took no further action at this time.

D) Somers Realty Planned Hamlet/Preliminary Subdivision Application; Preliminary Subdivision Plat/Planning Board, dated July 31, 2009 revised November 20, 2009, Section 1 – PH Zone; Road Construction Plan dated 8-7-09; Sediment-Erosion Control Plan dated 12-1-09; Road Profile dated 11-4-09; Road A & Drainage Profiles dated 12-1-09; Road Construction Details S-1/2; Stormwater Pollution Prevention Plan dated 12-1-09, Prepared by Keane Coppelmann Engineers, PC, (Rte. 6, Baldwin Place/after Somers Commons): (GR)

The Conservation Board tabled discussion of the above Planning Board application for Somers Realty Planned Hamlet, preliminary subdivision application and plat until their next meeting.

Board member Gloria Rosenzweig will review the materials submitted and give a report to the Board.

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Old Business:

D) Somers Realty Planned Hamlet/SP:

The Board members took no further action at this time.

E) Zoning Board/Site Walk and Balloon Test for 121 Rte. 100, Amato Property; BZ04A/09 Section 38.17-1-5; Alternate Site – Billingsley Property, 95 Rte. 100, Katonah; scheduled for Saturday 12-12-09 between 9am and 1pm; inclement weather dates – Sunday 12-13-09; Saturday 12-19-09; Sunday 12-20-09; open site walk/any questions call Teresa @ 277-5582: (CF)

F) Zoning Board/Site Walk and Balloon Test for 2580 Rte. 35; BZ11A/09 Section 37.13-2-3; Alternate Site – Billingsley Property, 95 Rte. 100, Katonah; scheduled for Saturday 12-12-09 between 9am and 1pm; inclement weather dates – Sunday 12-13; Saturday 12-19-09; Sunday 12-20-09; open site walk/any questions call Teresa @ 277-5582: (CF)
The Conservation Board reviewed the above Zoning Board site walk and balloon test for the Amato property and the Billingsley property at their meeting.

Board member Charles Friedberg was not present at the meeting, however he submitted his report for review by the Board.

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Old Business:

E) ZBA Site Walk/Amato:

F) ZBA Site Walk/Billingsley:

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Report:

- This application is for a cell tower construction with two possible locations, both in the Town of Somers. One is on the property owned by Amato and the other is proposed for the property owned by Billingsley.
- Board member Friedberg submitted a written report via email, which stated that he performed a site walk on both sites on Saturday December 12, 2009. He mentioned that he had a chance to speak with Mr. Amato with reference to the proposed site as it pertains to the C.B. purview.
- His first impression was that the Conservation Board might prefer the Amato site when taking the C.B. purview into consideration and he mentioned that in his report.
- Mr. Friedberg explained that the Amato site is located further away from the road; therefore, it would not become a visual eyesore.

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Old Business:

E) ZBA Site Walk/Amato:

F) ZBA Site Walk/Billingsley:

- On the Amato site, he said that fewer trees would have to be taken down. In fact it looked as if there would only be one tree removed and it appears to be already dead.
- He specified that the Amato site, if it were chosen, would probably need a steep slope permit as the site encompasses a steep grade sloping from north to south.
- Mr. Friedberg advised the Board that there did not seem to be any wetland issues with the proposed location at the Amato site.
- Board member Friedberg noted that the Billingsley site would be much more visible from the road (Rte. 100).
- At the Billingsley site, he said that approximately seven trees would have to be taken down, five smaller trees and two large white pines. He mentioned that one of the white pines is a specimen tree and the other has a dual trunk (that may have to be taken down over time).
- Mr. Friedberg noted that there were no wetland issues visible on the proposed Billingsley site.

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Old Business:

- E)** ZBA Site Walk/Amato:
- F)** ZBA Site Walk/Billingsley:

Board member Merker commented that he drove by the proposed cell tower sites on Saturday and mentioned that he is in agreement with Mr. Friedberg with reference to visibility from the road.

Discussion ensued among the Board members with reference to the location of the cell tower and the nearby residents and nursery school. They also discussed the need for a special exception use permit. The town has rules that have to be followed and cell towers cannot be constructed on private property just anywhere in town.

The Board members decided to wait until the next meeting to speak about the application further as Board member Friedberg was not able to attend the meeting tonight.

The Board members took no further action at this time.

New Business:

- A)** Town of Somers/2010 Adopted Budget dated December 3, 2009:
The Conservation Board members reviewed the 2010 adopted budget and discussed the document among them.

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New Business:

A) 2010 Adopted Budget:

C.B. Secretary Ms. Davis mentioned that the document reflects a \$6.00 decrease in her annual salary. She said that she would be speaking to the Finance Department with regards to this matter.

The Board members had no further comments at this time.

B) Franzese/Wetland Activity Permit Application/Planning Board, revised application/no plans attached, Section 17.12-2-36, Renovation of existing 2-bedroom single family residence & realignment of intermittent stream channel with associated piping, (#37 Rte. 116 Purdys/north side of Rte. 116, 150-ft. from intersection Entrance Way West): (JM)

The Conservation Board will review the Planning Board application for Franzese wetland activity permit, revised application and realignment of intermittent stream 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.

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

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New Business:

- C)** Homeland Towers/Cingular Wireless PCS LLC (AT&T), Site Plan/Planning Board, CC1-Color Constraint Map Soil Types, Wetlands & Steep Slope dated February 20, 2009, revised March 12, 2009, Prepared by Tectonic Engineering & Surveying Consultants, (#121 Rte. 100/Amato): (GM)
The Conservation Board will review the above Planning Board application for Homeland Towers/Cingular Wireless wetlands and steep slope at their next meeting.

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

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

- D)** Fleury/Wetland Activity Permit Application/Administrative/Sketch, received November 18, 2009, Prepared by applicant, Section 16.13-1-42, (Old Orchard Road, Yorktown Heights): (FL)
The Conservation Board will review the above administrative application for Fleury wetland activity permit, sketch at their next meeting.

Board member Dr. Frank Lapetina will review the materials submitted and give a report to the Board. He mentioned that he already reviewed this application at an administrative meeting and gave a report.

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New Business:

D) Fleury/WAP:

After a cursory review Dr. Lapetina said that he did not see any changes in the revised application.

The Board members took no further action at this time.

**E) Homeland Towers, LLC & New Cingular Wireless PCS, LLC (AT&T),
Zoning Board/Site Walk & Balloon Test, Saturday January 9, 2010
between 9AM and 1PM, if inclement weather 1-10-10 or 1-16-10, Special
Use Permit and Area Variances to locate a wireless telecommunications
facility in R-120 residential zone, BZ11A/09 – 37.13-2-3, (#2580 Rte. 35):
(EM/GM)**

The Conservation Board members reviewed the paperwork regarding the above Zoning Board site walk and balloon test to be scheduled for Saturday January 9, 2010 between 9AM and 1PM.

The Board members discussed the above site walk for a wireless telecommunications facility in R-120 residential zone and tried to determine the location of the proposed application.

Dr. Edward Merker advised that he would be doing a drive by on the day of the balloon testing by the ZBA.

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New Business:

E) Homeland Towers/Cingular:

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 Shoshana Hantman 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 January 12, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on January 26, 2009 and February 9, 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