

**CONSERVATION BOARD
MINUTES OF MEETING
MAY 26, 2009**

The May 26, 2009 regular meeting of the Conservation Board was called to order by Board member Charles Friedberg.

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

Absent: Dr. Frank Lapetina, Gary Meixner

Guests: None

Announcements:

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

Chairman Gary Meixner phoned C.B. Secretary Ms. Davis to inform her that he would not be able to attend the meeting tonight.

**Conservation Board
Minutes of Meeting
May 26, 2009**

Page 2

Approval of Minutes:

A motion was made by Charles Friedberg and seconded by James Moriarty to approve the minutes of the May 12, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Charles Friedberg made changes to the minutes dated May 12, 2009 on pages 17, 18, 19, 20, and 21.

Board member James Moriarty made changes to the minutes dated May 12 2009 on page 32.

Old Business:

- A)** C.B. Goals for 2009/C.B. Discussion/Copy Report-CB, revised January 27, 2009/C.B. to start working on these goals: (CF/GM/JM-RD)
The Conservation Board briefly discussed the above subject matter concerning the C.B. goals for 2009 at their meeting tonight.

Board member Charles Friedberg informed the Board members that he would like to table discussion of the *Mission Statement* until the next Board meeting.

Board member James Moriarty worked with C.B. Secretary Ms. Davis on a draft memo to the Town Board recommending certain changes to the Town Code regarding erosion control and site plan submittals.

**Conservation Board
Minutes of Meeting
May 26, 2009**

Page 3

Old Business:

A) C.B. Goals/2009:

Chairman Gary Meixner was not present at the meeting to discuss the dedication of a section of the Anglefly Preserve to former Conservation Board member John L. Behler.

Board member Charles Friedberg tabled this item until the next meeting of the Board.

The Board members took no further action at this time.

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

B) Town Board/Proposed Amendments/Resolution to the Wetland & Tree Cutting Ordinance/Agricultural District submitted by Town Engineer Gagne, adopted 4-16-09 and dated 4-20-09/Comment CB: (FL)

The Conservation Board members tabled discussion of the above Town Board proposed amendments to the Town Code involving the wetland and tree cutting ordinance in the agricultural district.

Board member Dr. Frank Lapetina will give his report at the next Conservation Board meeting.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 4**

Old Business:

B) Town Board/Amend Ordinance:

The Board members took no further action at this time.

C) St. Joseph's Church/JFK High School/Site Plan (Supplemental Submittal Package), Proposed Stormwater Management (C-2); Sediment & Erosion Control (C-5) dated November 13, 2008, revised April 29, 2009, Prepared by Hudson Engineering & Consulting, PC, (Rte. 138 across from Best Plumbing):

(JM)

The Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School stormwater management and sediment-erosion control, site plan at their meeting tonight.

Board member James Moriarty reviewed the materials submitted and gave a verbal report to the Board.

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Report:

- Mr. Moriarty reported that to stabilize construction the applicant noted that there is an anti-tracking pad 70-ft. long. He approved of this endeavor.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 5**

Old Business:

C) St. Joseph's Church/JFK High School/SP:

- However, he noted that the applicant did not exhibit any detail, which should be 2" aggregate with fabric underlayment, and material depth not less than 12".
- He stated that the erosion control fabric detail was not shown.
- Mr. Moriarty advised that the erosion control fabric detail should show non-plastic type with wire mesh backing supported by steel stakes, not wood.
- He informed the Board that the construction area shows a soil stockpiling with no detail.
- Mr. Moriarty recommended that the soil stockpiling detail should show (as an example) fast growth seeding of pile combined with straw or hay spread over the surface to prevent erosion of the surface fines (micro-particles of top soil).
- He made reference to the fact that annual rye grass is best suited to immediate coverage to hold the soil until permanent placement of soil occurs.

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**Conservation Board
Minutes of Meeting
May 26, 2009
Page 6**

Old Business:

C) St. Joseph's Church/JFK High School/SP:

A brief discussion took place among the Board members with reference to terminology, etc. and Board member Moriarty explained the detail on the plans with regards to the information that he was reporting.

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

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A memo (#09-21) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School site plan, stormwater management, and sediment & erosion control at their meeting on May 26, 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) To stabilize construction the applicant noted that there is an anti-tracking pad 70-ft. long.
 - The applicant did not exhibit any detail for that information.
 - The information should read 2" aggregate with fabric underlayment, and material depth not less than 12".

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 7**

Old Business:

C) St. Joseph's Church/JFK High School/SP:

- 2) The erosion control fabric detail was not shown on the materials submitted.
 - The erosion control fabric detail should show non-plastic type with wire mesh backing supported by steel stakes, not wood.

- 3) The construction area shows a soil stockpiling with no detail.
 - The soil stockpiling detail should show fast growth seeding of pile combined with straw or hay spread over the surface to prevent erosion of the surface fines (micro-particles of topsoil).

 - Note: Annual rye grass is best suited to immediate coverage to hold the soil until permanent placement of soil occurs.

The Conservation Board will continue to review the above Planning Board application for St. Joseph's Church as revisions are submitted.

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The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
May 26, 2009**

Page 8

Old Business:

- D)** Backman/Wetland Activity Permit/Site Plan/Planning Board/Proposed Planting Mitigation Plan, dated January 15, 2009, revised April 25, 2009; Site Grading Plan dated January 15, 2009, revised April 25, 2009, Section 16.10, Block 2, Lot 36.5, Prepared by Roger Van Loveren, AIA, Architect, (# 18 Shenorock Drive, Yorktown Hgts; left side 250-ft. south of Overhill Road): (CF)

The Conservation Board reviewed the above Planning Board application for Backman wetland activity permit, planting mitigation plan, and site grading plan at their meeting.

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

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Report:

- Board member Charles Friedberg informed the Board that he performed a site inspection on this parcel last week.
- He noted that the recommendations for the raingarden were resubmitted for review and comment.
- Mr. Friedberg informed the Board that the entire parcel is located in the wetland buffer area (there is a stream that runs through it).
- He explained that the revised plans submitted include more detail of what was provided formerly.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 9**

Old Business:

D) Backman/WAP:

- The major issue of the C.B. was the applicant digging out the site by hand said Mr. Friedberg.
- Upon site inspection Mr. Friedberg confirmed that there was no equipment on site. He explained that it had rained recently and there were no visible tracks from any equipment.
- Mr. Friedberg informed the Board that the applicant provided inadequate detail on the silt fence.
- The recommended detail should include non-plastic type fabric with wire mesh backing supported by steel stakes, not wood.
- Mr. Friedberg advised that he had no issues with the raingarden as proposed by the applicant.

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

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 10**

Old Business:

D) Backman/WAP:

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A memo (#09-22) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Backman, wetland activity, proposed planting mitigation plan, site grading plan, and site plan at their meeting on May 26, 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 applicant provided inadequate detail on the proposed silt fence.
 - The recommended detail should include non-plastic type fabric with wire mesh backing supported by steel stakes, not wood.
- 2) The Board had no issues with the raingarden as proposed by the applicant.

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The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 11**

Old Business:

- E)** Kilian Parcel/Haul Road Restoration/Wetland Activity Permit/Steep Slope Alteration Permit/Stormwater Management & Erosion & Sediment Control Permit, Section 6.14, Block 20, Lot 1, Existing Conditions & Soils Map dated 6-28-06, revised 4-28-09; Constraints Map dated 6-28-06, revised 4-28-09; Site Improvements A, B, C dated 10-3-08, revised 4-28-09; Miscellaneous Details dated 10-3-08, revised 4-28-09; Haul Road Mitigation Plan (MP-1, MP-2) dated 10-8-08, revised 4-27-09 by Evans Associates; 5 copies Stormwater Pollution Prevention Plan, (*West side of Warren St./500-ft. from intersection Warren St. & Fred's Way*): (JM)
The Conservation Board reviewed the above Planning Board application for Kilian Parcel Haul Road Restoration wetland activity, steep slope alteration permit, stormwater management and erosion-sediment control site plan at their meeting.

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

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Report:

- Mr. Moriarty commented that the proposed velocity dissipater on the south side of the property is a positive addition to the application. He explained that this device slows the water down.
- A negative addition to the application is the stated removal of erosion control materials (i.e. fencing).
- Board member Moriarty explained that it is a common practice in restoration areas to maintain erosion control barriers until vegetation is reasonably established.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 12**

Old Business:

E) Kilian Parcel/Haul Road/WAP/SSAP:

- He informed the Board that most Town's require the grass, etc. to be high enough to cut with a lawn mower one time, before removing any erosion control measures.

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Board member Shoshana Hantman asked if this recommendation was an accepted practice.

Mr. Moriarty responded affirmatively.

A brief discussion ensued among the Board members and they decided to write a memo to the Planning Board stating their recommendations.

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A memo (#09-23) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Kilian Parcel/Haul Road Restoration wetland activity, steep slope alteration, stormwater management & erosion & sediment control permit, site plan at their meeting on May 26, 2009.

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

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 13**

Old Business:

E) Kilian Parcel/Haul Road/WAP/SSAP:

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

- 1) The Board notes that the proposed *velocity dissipater* on the south side of the property is a positive addition to the application.
- 2) A negative addition to the application is the stated removal of erosion control materials (i.e. fencing).
- 3) The Board recommends that the applicant maintain erosion control barriers until vegetation is reasonably established.
- 4) The applicant should leave all erosion control measures in place until the grass grows long enough to be mowed.

The Conservation Board will continue to review this application for Kilian Parcel Haul Road Restoration as revisions are submitted.

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The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
May 26, 2009**

Page 14

Old Business:

- F)** Omnipoint Communications/Somers Commons/Site Plan/Planning Board/Revisions to the following plans as per May 4, 2009 letter from Snyder & Snyder, LLP – Title Sheet (T-1); Plot Plan & Property Owners list (C-1); Setback Plans (C-2); Site Plan & Site Detail Plan (C-3); Partial Site Plan (C-3A); Elevation & Details (C-4); Equipment Plan & Details (C-5), (#80 Rte. 6/Somers Commons): (GM)

The Conservation Board tabled their review of the above Planning Board application for Omnipoint Communications at Somers Commons until 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 Conservation Board meeting.

- G)** Omnipoint Communications/Towne Centre/Site Plan/Planning Board/Revisions to the following plans as per May 4, 2009 letter from Snyder & Snyder, LLP – Exhibits A, B, C, D, E; Title Sheet (Z-1); Amended Site Plan (Z-2); Enlarged Site Plan & Details (Z-3); Compound Plan, Elevations & Details (Z-4); Secondary Pole Location, Site Plan (Z-5); Wetland Buffer Mitigation Planting Plan & Details (Z-6), (#325 Rte. 100, Towne Centre): (GR)

The Conservation Board reviewed the above Planning Board application for Omnipoint Communications at Town Centre site plan, revisions at their meeting.

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

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 15**

Old Business:

G) Omnipoint/SP/Towne Centre:

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Report:

- Ms. Rosenzweig informed the Board that this application included the location of a proposed secondary pole, if the first site is not acceptable to the Town.
- She specified that the applicant proposes to use wood stakes not steel and fabric (not plastic) in their erosion control measures.
- Ms. Rosenzweig explained that the applicant proposes a wood stockade fence located around the bottom of the structure with concrete.
- She advised that the applicants are proposing that haybales should be used and replaced approximately once a month as necessary.
- Ms. Rosenzweig informed the Board that during construction the applicant proposes a catch basin to assist with the erosion control measures and the basin would include a concrete slab at the bottom.

A brief discussion ensued among the Board members with reference to the concrete slab located in the catch basin, as most of them were not familiar with usage of concrete for the catch basin prior to this application.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 16**

Old Business:

G) Omnipoint/SP/Towne Centre:

Board member Moriarty noted that sometimes the applicants make the catch basin and then spray it with a 2” coating of concrete to assist with the erosion control measures.

Ms. Rosenzweig inquired about the use of the concrete slab and asked if it had a name.

Mr. Moriarty explained that if the concrete is under 4” it is called a rat-slab, but most people just call it a slab.

- Ms. Rosenzweig advised the Board that there are no ponds, lakes or detention basins proposed for this site.
- She also specified that the applicant states in the paperwork submitted that there are no proposed changes to the existing drainage patterns.
- Ms. Rosenzweig noted that according to the application the plans show that the concrete slab and plantings will be the main form of erosion control on site.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 17**

Old Business:

G) Omnipoint/SP/Towne Centre:

- She explained that if the original application gets turned down then the alternate site is located behind the bank closer to the Rte. 100 side of the property.
- Board member Rosenzweig informed the Board that the alternate site is located within 500-ft. of a Church and if the proposed Condo development is approved then it would be within 100 to 200-ft. of that application.
- She advised that the applicants are proposing to plant trees and indigenous wetland species that are non-invasive.
- Ms. Rosenzweig informed the Board that the applicants requested that the height of the proposed pole be 103-ft. tall because it would better suit their purposes. They explained that they could make the cell tower as low as 93-ft. but then it would allow one less user.
- She specified that the proposed pole would be a straight pole with a ball on top and it would be light gray in color.
- Ms. Rosenzweig emphasized that the pole should be 500-ft. from any school or church.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 18**

Old Business:

G) Omnipoint/SP/Towne Centre:

- According to the records and information provided, Urstadt Biddle (landowner) has approved the original site for the location of the cell tower she said.

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Ms. Rosenzweig discussed the fact that many cell towers are going up all over Somers and the cumulative effect should be considered. She noted that there is a cell tower site at IBM across the street on the hillside; and another at Heritage Hills; one is proposed for down Rte. 100 near the former Froggy's Deli (now Wrap & Roll); and one is proposed at the Nursery on Rte. 100 near Rte. 35 and the 7-11.

Dr. Merker agreed with Gloria and he mentioned that there does seem to be an inordinate amount of cell towers that are in Somers, some of them already in existence and others waiting to be approved by the Planning and Zoning Boards. He was wondering how many of these towers are actually needed in Somers.

Discussion ensued among the Board members with reference to the locations of the proposed cell towers and the necessity of having more of them going up all over town.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 19**

Old Business:

G) Omnipoint/SP/Towne Centre:

Ms. Rosenzweig spoke about radio frequency and discussed the area the cell tower would be effective. She specified that if they only cover a short distance there would have to be a lot more towers than is already proposed.

Ms. Rosenzweig specified that they are installing UHF frequency not microwave frequency according to the applicant's representative that she spoke to at the site inspection a couple of weeks ago.

A brief discussion ensued among the Board members with reference to the use of cell phones and the possibility of health related problems.

In summation Ms. Rosenzweig noted that the erosion control measures seemed adequate save the fact that the applicant is using wood stakes instead of steel stakes. The document she reviewed gives a choice of "either" steel or wood.

Board member Rosenzweig went on to say that the applicant appears to have provided good stability for the stockpile as they recommended either (vegetative) plantings or a cover.

She also advised the Board that the applicant (Omnipoint) had a 2-year landscape warranty to cover any problems associated with the proposed plantings, which she thought was an asset to the application.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 20**

Old Business:

G) Omnipoint/SP/Towne Centre:

Board member Rosenzweig explained that her only concern was the proximity of the school and church, which she said should be over 500-ft. from the proposed cell tower.

One of the issues with cell towers is that there are so many hills and valleys that it impedes the effectiveness of the cell tower said Dr. Merker and therefore they need to have more towers in different locations.

Ms. Davis asked which cell tower location was more amenable to the Conservation Board.

Ms. Rosenzweig mentioned that she thought it would actually be better off in the original site, which happens to be located in the buffer area. She explained that it appears to have less impact on the proposed residences, and the church.

She advised that the applicant is adding non-invasive vegetation for the original site, which includes a varied assortment of trees and plants, etc.

Board member Rosenzweig inquired about the erosion control measures in regards to the silt fence and mentioned that since the applicant said 'either' the C.B. should recommend what they think is appropriate.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 21**

Old Business:

G) Omnipoint/SP/Towne Centre:

The Conservation Board after some discussion on the matter decided to write a memo to the Planning Board stating their recommendations.

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A memo (#09-24) 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 May 26, 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 agreed that the original site might be the best location for the cell tower as there is a pending application for residences, etc. near the alternate proposed location.
- 2) The erosion control measures should include non-plastic type fabric with wire mesh backing supported by steel stakes, not wood. (The plans suggested that it could be either wood or steel.)
- 3) The Board recommends that the applicant maintain erosion control barriers until vegetation is reasonably established.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 22**

Old Business:

G) Omnipoint/SP/Towne Centre:

The Conservation Board will continue to review the Omnipoint Communications/Towne Centre site plan as revisions are submitted.

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The Board members took no further action at this time.

New Business:

A) St. Joseph's Church/JFK High School/Site Plan/Planning Board, Erosion Control Plan (C-5) dated 11-13-08, revised 4-29-09, Stormwater Management (C-2) revised 4-13-09, Response to letter dated March 26, 2009 sent to Drazen Cackovic, AIA, DCAK-MDA Architecture (TM-28.15-01, 8, 9, 10), (Rte. 138/across from Best Plumbing):

The Conservation Board members discussed the above Planning Board application for St. Joseph's Church/JFK High School site plan at their meeting.

The Board members briefly reviewed the application and plans submitted at the meeting and discussed the application among them with reference to item "C" Old Business this document.

**Conservation Board
Minutes of Meeting
May 26, 2009
Page 23**

New Business:

A) St. Joseph's Church/JFK High School/SP:

After some discussion on the matter the Board members felt that this application was virtually the same one that they had just reviewed save the additional paperwork submitted by the applicant's architect.

The Board members took no further action at this time.

There being no further business to discuss, a motion to adjourn was made at 9:15 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 June 9, 2009 at 7:30 PM.

**Conservation Board
Minutes of Meeting
May 26, 2009**
Page 24

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on June 23, 2009 and July 14, 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