

**CONSERVATION BOARD
MINUTES OF MEETING
JUNE 9, 2009**

The June 9, 2009 regular meeting of the Conservation Board was called to order by Board member Charles Friedberg.

Attendance: Charles Friedberg, Shoshana Hantman, Dr. Frank Lapetina, James Moriarty, Gloria Rosenzweig, Gary Meixner

Absent: Dr. Edward Merker

Guests: None

Announcements:

Board member Dr. Edward Merker 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 be late for the meeting tonight.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 2

Approval of Minutes:

A motion was made by Charles Friedberg and seconded by Shoshana Hantman to approve the minutes of the May 26, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Charles Friedberg made changes to the minutes dated May 26, 2009 on page 19.

Board member Gloria Rosenzweig made changes to the minutes dated May 26, 2009 on pages 19, 20 and 21.

Old Business:

- A)** Conservation Board 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 members discussed several of their 2009 goals that they have been working on accomplishing at their meeting tonight.

The first goal discussed was the creation of a Mission Statement.

*

Board member Charles Friedberg submitted a *Mission Statement* to the Conservation Board for comment and discussion.

Mr. Friedberg asked the C.B. Secretary Ms. Davis if she brought the email to the meeting and she responded that she retyped the document to make it easier to read for the Board members.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 3

Old Business:

A) C.B. Goals 2009:

Board member Friedberg explained that his responsibility was to provide the Conservation Board with a *Mission Statement*. He advised the Board that he went on the internet to get some ideas for a mission statement and he came up with the document that is before them now.

The Conservation Board *Mission Statement* read as follows:

“It is the Mission of the Town of Somers Conservation Board to promote and preserve our natural resources and to cultivate good citizenship through environmental education.”

The Board members discussed the information provided by Board member Friedberg concerning the mission statement among them.

After some discussion on the matter Mr. Friedberg advised the Board that they could table the item, think about it and come up with a revised document at the next meeting that incorporates any recommended changes.

Upon further discussion on the matter Board member Dr. Frank Lapetina made a motion to accept the Mission Statement as written by Board member Charles Friedberg.

Board member Shoshana Hantman seconded the motion.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 4

Old Business:

A) C.B. Goals 2009:

POLL OF THE BOARD:

Shoshana Hantman	Aye
Charles Friedberg	Aye
Dr. Frank Lapetina	Aye
James Moriarty	Aye
Gloria Rosenzweig	Aye
Gary Meixner	Aye

The motion to approve the Mission Statement as written and submitted was seconded and passed unanimously by the Board members.

**

A brief discussion ensued among the Board members with reference to the Mission Statement.

The next goal to be discussed concerned the dedication to John L. Behler.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 5

Old Business:

A) C.B. Goals 2009:

*

Ms. Davis mentioned that Chairman Meixner was working on the dedication of a section in the Anglefly Preserve to former Board member John L. Behler. She asked him if he needed any information to help him get started with this task.

Chairman Gary Meixner requested that the C.B. Secretary Ms. Davis send him a text message containing the email address and phone number of Open Space Committee Chair Michael Barnhart.

**

Chairman Meixner will give a report at the next Conservation Board meeting.

Another goal discussed was the C.B. proposed amendments to the Town Code.

*

Board member James Moriarty and C.B. Secretary Ms. Davis worked on the proposed draft memo to the Town Board regarding the C.B. Proposed Amendments to the Town Code for Erosion Control Measures and Site Plan Submittals.

The draft memo was worked on previously before the meeting.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 6

Old Business:

A) C.B. Goals 2009:

*

A memo (#09-25) will be sent to the Town Board stating that the Conservation Board while reviewing the Planning Board applications over the past year has noted that there are some items that should strongly be considered for inclusion in the Town Code.

The C.B. has the following recommendations:

EROSION CONTROL:

- 1) Silt fencing should be made from steel posts with welded wire mesh backing and heavy fabric materials for overlay, *in place of the standard black plastic with wood stakes.*

SITE PLAN SUBMITTALS:

- 1) Grade change markings should be noted in red lines for clarity *as opposed to standard matching colors.*

**

The Board members read and reviewed the draft memo to the Town Board regarding proposed amendments to the Town Code.

Board member Charles Friedberg made a motion to accept the draft memo to the Town Board as written and submitted to the Conservation Board.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 7

Old Business:

A) C.B. Goals 2009:

Some discussion ensued among the Board members with reference to the tree preservation permits and the Town Code as noted by Gloria Rosenzweig. After discussion the members resumed their action on the motion made by Mr. Friedberg.

Board member James Moriarty seconded the motion.

The motion was accepted and passed unanimously by all Board members present at the meeting.

**

The Board members took no further action at this time.

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 Conservation Board: (FL)

The Conservation Board reviewed the above Town Board proposed amendments and resolution to the wetland and tree cutting ordinance for agricultural districts at their meeting.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 8

Old Business:

B) Town Board/Amendments:

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

*

Report:

- Dr. Frank Lapetina reported that the State indicated to the Town of Somers that it was too difficult for farmers and they would like to make it easier for them so that they do not feel compelled to sell off their land and have it developed by developers.
- The State directed the Town to alter the code on the behalf of the farmers. He explained to the Board the reason why they want these changes to go to administrative review rather than being brought before the Planning Board.

Board member Shoshana Hantman inquired about what was difficult for the farmers.

- Dr. Lapetina responded by saying that the State would like the farmers to be able to do what they need to do with as little interference as possible from the town. The Town Code is too strict right now for them to accomplish this task.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 9**

Old Business:

B) Town Board/Amendments:

Ms. Hantman asked if there was currently any exception in the Town Code for farmland.

Dr. Lapetina responded that there is not.

Board member Gloria Rosenzweig asked if the Town has approved this?

- Dr. Lapetina responded that he did not know if it has been approved to date. However, the Town Engineer has written a proposed change to the code to comply with their needs.

Chairman Meixner added that he thought that the farmers had a right to do whatever they needed to do to accomplish their task, including going into the wetlands if necessary.

- Dr. Lapetina responded that apparently there has been some difficulty about it and they have been denied in the past so this idea came about from Stewart Farms.
- He reiterated that the State wants to make it easy for the farmers to keep the farms because they do not want the farms to be sold off to developers.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 10**

Old Business:

B) Town Board/Amendments:

Board member Friedberg asked about trees being cut down in the wetland and would that come before the Conservation Board.

- Dr. Lapetina responded that no, it would not. Now, if this were passed it would come before the administrative review team, which is a good thing.

Chairman Meixner said that the only problem he could foresee is that if they do not put a timeline on the activity. For instance if the farmers can go in now and clear a plot of land and then 10 years from now they might sell.

- Dr. Lapetina said that it does not make any difference if the C.B. approves it or not as the State is telling the Town that they have to change the law.

Board member Friedberg advised that it should be zoned appropriately so that no one takes advantage of the new proposed law.

Board member Rosenzweig asked if horse property is considered farmland?

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 11**

Old Business:

B) Town Board/Amendments:

- Dr. Lapetina responded that it would have to be agricultural property.

Board member Friedberg asked if there is any action for the Conservation Board to take on this matter.

C.B. Secretary Ms. Davis responded that the Board has to send a memo to the Town Board stating their recommendations and whether or not they agree or disagree.

Chairman Meixner said that it would be a good idea to have a rider in the law that the farmer could not sell off his property say 10 years from now after he clears it all.

Dr. Lapetina said that he did not think that it would be possible to tell someone that they cannot sell their property. He went on to say that he would like to see as many local small farms survive as possible.

Board member Gloria Rosenzweig made a motion to approve the proposed Town Board amendments to the agricultural district.

After some discussion on the matter Board member Charles Friedberg seconded the motion.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 12**

Old Business:

B) Town Board/Amendments:

- Board member Lapetina noted that the Conservation Board would be one of the administrative people involved during the review process.

**

The Board members all thought that a voice during the administrative review process would be a good thing.

The Board members unanimously approved the passage of the proposed law/amendment to the agricultural district.

After some discussion on the matter the Conservation Board decided to send a memo to the Town Board stating that they are in favor of this action.

*

A memo (#09-26) will be sent to the Town Board stating that the Conservation Board reviewed the above Town Board proposed amendments and resolution to the wetland and tree cutting ordinance for the Agricultural District as submitted by Town Engineer Gagne at their meeting on June 9, 2009.

The Board members reviewed the materials submitted, and discussed the proposed amendments among them. Board member Dr. Frank Lapetina gave a report at the meeting.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 13**

Old Business:

B) Town Board/Amendments:

The C.B. voted the following at their meeting:

- 1) The Board members unanimously voted in favor of the proposed Town Board Amendments and resolution to the wetland and tree cutting ordinance in the agricultural district as submitted by Town Engineer Gagne.

- 2) The Board applauds the recommendation of the administrative review team for this endeavor.

The Board members took no further action at this time.

C) Omnipoint Communications at 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 reviewed the above Planning Board application for Omnipoint Communications at Somers Commons site plan, revisions at their meeting.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 14**

Old Business:

C) Omnipoint Communications/Somers Commons:

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

*

Report:

- Chairman Meixner explained to the Board members that this application is for a flag-less flag pole located at Somers Commons.
- He noted that this is not the final application and there might still be some revisions to come before the Board.
- Chairman Meixner informed the Board that the applicant was giving recommendations on the color of the flagpole in this application.
- Also, he said that the applicants discussed the usage of haybales around the proposed area of disturbance and the location of the stockpile of dirt.

Board member Dr. Frank Lapetina inquired about the flagpole.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 15**

Old Business:

C) Omnipoint Communications/Somers Commons:

- Chairman Meixner responded that it would be a flag-less flagpole that will be painted light grey and the applicant referred to the color as 'rhondus'.

Dr. Lapetina asked if it is actually going to be a pole.

Chairman Meixner said that they called it a flagpole when they proposed it.

Board member Rosenzweig said that it is going to be a monopole.

- Chairman Meixner advised that there has been no change to our previous comments on this application as everything is the same.
- Chairman Meixner explained that there would be haybales and silt fence with metal fasteners.

**

The Board members discussed this application among them and afterwards decided that they had no further questions or comments.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 16**

Old Business:

C) Omnipoint Communications/Somers Commons:

The Board members took no further action at this time.

D) Omnipoint Communications/Towne Centre/Site Plan/Planning Board/Revisions to the following plans as per May 4, 2009 letter from Snyder & Synder, 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 briefly discussed the above subject application for Omnipoint Communications site plan, revisions at their meeting.

Board member Gloria Rosenzweig spoke to the Board members and gave an update regarding the Omnipoint Communications application proposed to be located at Towne Centre in Somers.

*

Report:

- Ms. Rosenzweig noted that according to the memo written by Town Engineer Gagne dated June 5, 2009 the alternate site location for this application happens to be further from the proposed residences now called Alexan Somers Woods.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 17**

Old Business:

D) Omnipoint Communications/Towne Centre:

Discussion ensued among the Board members with reference to this information. Most of the Board had thought that the alternate site, near Rte. 100 would actually be closer to the proposed residences at Alexan Somers Woods.

Board member Dr. Frank Lapetina commented on the proposed application and mentioned that some revisions must have taken place in order for the alternate site to be located further from the proposed residences.

- Board member Rosenzweig read from Mr. Gagne's memo dated June 5, 2009 stating that, ". . .*the alternative has been depicted on the plan that the location will not need a wetland permit and would be further from the residential units potentially located on the Alexan Woods project. . .*"
- Ms. Rosenzweig also noted that the alternative would be 15-ft. higher than the proposed original cell tower.

C.B. Secretary Ms. Davis inquired about the alternative being higher than 103-ft.

Board member Lapetina responded that the elevation would be higher due to the elevation of the ground.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 18**

Old Business:

D) Omnipoint Communications/Towne Centre:

The Conservation Board had some discussion regarding the location of the cell tower and they were interested in knowing if the Planning Board preferred one location to another.

C.B. Secretary Ms. Davis mentioned that a memo was copied to the Board which stated that the Planning Board they would prefer the original location.

Discussion ensued among the Board members and Ms. Rosenzweig suggested that the May 26, 2009 minutes might have to be amended.

C.B. Secretary Ms. Davis said that rather than amend the former minutes now, referencing the memo from the Town Engineer written on June 5, 2009, the newly discovered information would be noted in the minutes for tonight's meeting.

Ms. Davis went on to say that she would follow up with an email to the Town Engineer just to make sure that the statement in his recent memo was accurately written.

The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 19**

New Business:

- A)** Friedberg/Wetland Activity Permit/Administrative application/Sketch, Received June 1, 2009, Short EAF, Installation of Fountain for Aeration Purposes, Section 58.12, Block 1, Lot 4.1, Other – Kasco Marine, Inc. – Owners Manual Aerating Fountains, (#3 Twin Knolls Drive): (FL)
The Conservation Board reviewed the above administrative application for Friedberg wetland activity permit, sketch, and installation of fountain 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.

*

Report:

- Dr. Lapetina advised the Board that it was his pleasure to review an application from a fellow Board member that he thought was a good idea.
- Board member Lapetina commented that he had originally thought the pond was man made. He explained that when he reviewed the application he found out that it was not man made, but rather a natural pond fed by springs.
- Dr. Lapetina also mentioned that the fire department uses it for water in case of fires.

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 20**

New Business:

A) Friedberg/WAP:

- Board member Lapetina informed the Board of the location of the pond versus Mr. Friedberg's house and Balencia so that the Board members would be able to familiarize themselves with the area.
- He noted that the applicant wants to put a fountain in the pond for Aeration, which he advised, is a great idea for the pond.
- Dr. Lapetina noted that Town Engineer Gagne will probably have the applicant move the electric line further away from the pond and obtain an electrical permit.
- Board member Lapetina discussed the application with Mr. Friedberg and explained that the line had to be buried 18" with conduit and 24" without.

**

Mr. Freidberg explained that he has an irrigation system back there so it would probably have to go deeper so that it would be under the irrigation system.

Board member Rosenzweig inquired about where the fire department obtains their water?

**Conservation Board
Minutes of Meeting
June 9, 2009
Page 21**

New Business:

B) Friedberg/WAP:

Mr. Friedberg showed her the location on the plan and explained that it is not near the electric area. He went on to say that there is some pollution and he would like to get rid of it.

Dr. Lapetina commented that it is an admirable addition to the pond.

Board member Moriarty asked if the aeration of the pond would in fact get rid of the pollution?

Mr. Friedberg responded that it would provide oxygen and that will aid in cleaning up the pond.

Board member Rosenzweig inquired about stocking the pond.

Mr. Friedberg mentioned that he originally wanted solar power, but it would have been too much of an eye sore with the solar panels.

Board member Lapetina informed the Board that he had approved the application at the administrative review team meeting.

The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 22

New Business:

- B)** St. Joseph's Church/JFK High School/Site Plan/Planning Board, Title Sheet (TS), General Notes dated 1-2-08, revised 6-3-09, Plan-Site Distance Existing Conditions (C-101) dated 6-3-09, Prepared by Drazen Cackovic, AIA, DCAK Architecture, (Rte. 138/across from Best Plumbing):
(CF)

The Conservation Board will review the above Planning Board revised information for St. Joseph's Church/JFK High School, site plan, title sheet, general notes and existing conditions at their next meeting.

Board member Charles Friedberg will review the materials submitted and give a report to the Board.

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

- C)** Alexan Somers Woods/Draft #7 DEIS Final Scoping Outline, Amended and filed with Town Clerk by FP Clark Associates/Town Board adopt resolution at Work Session on March 5, 2009: (GR)

The Conservation Board will review the above Town Board document for Alexan Somers Woods, draft #7 DEIS final Scoping outline as amended at their next meeting.

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

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

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 23

New Business:

- D)** St. Joseph's Church @ JFK High School/EAF Part 3/Evaluation of Importance of Impacts dated June 2, 2009/Memo from Town Planner Hull to Planning Board dated June 5, 2009/re: Construction of St. Joseph's Church @ JFK High School, TM-28.15-01-8,9,10; Corrections Town Engineer Gagne; Revised EAF, (Rte. 138/across from Best Plumbing): (CF)

The Conservation Board will review the above Planning Board information regarding construction of St. Joseph's Church @ JFK High School, EAF Part 3, and Evaluation of importance of impacts at their next meeting.

Board member Charles Friedberg will review the materials submitted and give a report to the Board.

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 8:45 PM by Board member Charles Friedberg and seconded by Board member Shoshana Hantman. All members present approved.

**Conservation Board
Minutes of Meeting
June 9, 2009**

Page 24

The next regular meeting of the Conservation Board will be held at the Town House on June 23, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 14, 2009 and July 28, 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