

**TOWN OF SOMERS  
CONSERVATION BOARD  
MINUTES OF MEETING  
JULY 14, 2009**

The July 14, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: Charles Friedberg, Dr. Edward Merker

**Guests:** None

**Announcements:**

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

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

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**Approval of Minutes:**

A motion was made by James Moriarty and seconded by Gary Meixner to approve the minutes of the June 23, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Charles Friedberg made changes to the minutes dated June 23, 2009 on page 5.

Board member James Moriarty made changes to the minutes dated June 23, 2009 on page 14.

**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: (GM/Update-JLB/Anglefly)

The Conservation Board discussed the above subject project that is being undertaken by Chairman Gary Meixner which involves one of the C.B. Goals for 2009 that he had been investigating.

Chairman Meixner's homework was to follow-up on the dedication (of a trail/area, etc.) to former Board member John L. Behler in the Anglefly Preserve with his wife Debbie and then the Open Space Committee.

John Behler was instrumental in helping the Town in their efforts to locate and name the endangered species and wildlife that call the Anglefly Preserve their home.

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**Old Business:**

**A) C.B. Goals/2009:**

At the last meeting Chairman Meixner informed the Board that he thought about the sensitivity of the subject matter he was about to undertake prior to contacting the Open Space Committee regarding the feasibility of an area for dedication to Mr. Behler. He decided to contact John Behler's wife, Debbie Behler in order to make sure that she would not be offended.

Chairman Meixner advised the Board members that he had not heard back from Debbie Behler to date regarding his message.

After some discussion on the matter by the Board members, Chairman Meixner asked that this item be tabled until the next meeting on July 28<sup>th</sup>. The Board members agreed.

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

The Board members took no further action at this time.

**B) 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/Report: (GR)**  
The Conservation Board reviewed the above Draft #7 DEIS Final Scoping Outline for Alexan Somers Woods as amended and filed with the Town Clerk by FP Clark & Associates at their meeting tonight.

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**Old Business:**

**B) Alexan Somers Woods:**

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

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Report:

- Ms. Rosenzweig explained to the Board that the document was a final draft of the things to be discussed in the DEIS as prepared by FP Clark and Associates.
- She informed the Board members that the application for Alexan Somers Woods involved a parcel of property approximately 26.68 acres.
- Ms. Rosenzweig advised the Board that three of those acres would be changed from residential to commercial space so that Urstadt Biddle can build a 30,000 to 40,000 sq.ft. store that would connect with the existing shopping area called Towne Centre, which is presently 11.29 acres.
- After the 'connection', she said that the commercial shopping area would comprise 14.29 acres and the residential area would comprise 23.68 acres.

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**Old Business:**

**B) Alexan Somers Woods:**

- Ms. Rosenzweig noted that the Town is asking the applicant to address certain issues hence the reason for this document. It explains to the applicant what they are looking for so that the applicant may prepare the information correctly for submission.
- She went on to say that the project proposes 118 multi-family units with 19 units being affordable housing. There will be 274 parking spots and 113 garages.
- Ms. Rosenzweig also noted that the applicants intend to build a community recreation facility. She explained that it would probably serve the people in a likewise fashion of the community center located at Heritage Hills.
- The report states that the final document should reference the project and its impacts on land, air, water, plants and animals, etc., she said.
- She mentioned that there are a lot of other issues such as police, school, traffic, etc., but they are not the purview of our Board.

Chairman Meixner pointed out that the shopping center called Towne Centre was not part of the Historic District.

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**Old Business:**

**B) Alexan Somers Woods:**

Ms. Rosenzweig agreed with Mr. Meixner.

She went on to say that the DEIS shall include the following:

- Address maps and identify topography, slopes, and wetlands both Somers and State; the potential for erosion, vegetation, and wildlife including amphibian and non-amphibian; trees to be removed and those to be preserved.
- Also, the document should list plantings to be done on the property; Biodiversity control; stormwater runoff; steep slopes, both existing and created; as well as movement of animals and migratory routes of wildlife.
- It shall include disturbance to the wetlands and buffers; mitigation plans to lessen the impacts on these items and preliminary landscape maps, plans and alternatives.

After some discussion on the matter Chairman Meixner brought up the Somers Chase development (located behind the State Troopers Barracks on Rte. 100 that was built by Toll Brothers (in what was formerly cornfields). The applicants discovered that there was an endangered species found on the property and it involved a butterfly named *Leonard Skipper*.

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**Old Business:**

**B) Alexan Somers Woods:**

Ms. Rosenzweig explained to the Board members that the document requested Alternative Site Plan Elements:

*Alternate site layouts depicting the relocation of the supermarket/grocery store closer to the existing retail uses, provision of an outdoor area that could be used for community gatherings, and preservation of a substantial undisturbed buffer strip along the southern boundary line of the project site. This layout would organize the community gathering space, the supermarket/grocery store and the existing shopping enter along a centrally located pedestrian "spine". This pedestrian spine would take advantage of the arcade that runs through the middle of the existing 'L-shaped' shopping center building by continuing that walkway south through the rear parking lot of the existing shopping center. It would run between the existing shopping center building and the new supermarket-grocery store building and then further south to a community gathering space.*

*This alternative would also concentrate most of the new commercial development closer to the existing shopping center, depict more tightly clustered residential units, and involve no disturbance in the wetland or wetland buffer.*

*Alternative site layout demonstrating maximum practicable application of sustainable site design practices and low-impact development techniques and components (beyond those that may already be included in proposed action). This is including but not limited to the highest possible reduction of impervious surfaces, the use of proposed design and construction methods and/or long-term operational practices reflecting the use of Green Building Technology.*

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**Old Business:**

**B) Alexan Somers Woods:**

*As well as the application of measures to achieve LEED certification on a conceptual basis and further reduction of the proposed action's carbon footprint. Practices and techniques to be reflected in this alternative site layout need not be in compliance with existing codes and regulations, but the alternative site layout shall incorporate elements that reflect consistency with prevailing community character.*

Ms. Rosenzweig advised the Board regarding issues that were determined during the scoping process to not be relevant or environmentally significant as follows:

*During the DEIS scoping process, the Lead Agency determined that a few topics that were suggested for study were either not relevant or not expected to be environmentally significant. On that basis, they have been excluded from the Scoping Document. It is noted that exclusion of a particular topic from this Scoping Outline does not necessarily mean that the Lead Agency is prevented from requiring study of the topic at a later stage of environmental review process if, on the basis of results from site – specific analyses or other information, it is determined that the topic requires additional study.*

Ms. Rosenzweig said that requests have been made to take into consideration the concerns of the Conservation Board. She noted that there are also a number of alternative things that could be done, but they are not under the auspices of the Conservation Board.

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**Old Business:**

**B) Alexan Somers Woods:**

She went on to say that issues were determined during the Scoping process to not be relevant or environmentally significant, however, she thought that they were of that nature.

Those things are:

- Analysis of the Wetlands
- Analysis of new emission standards by the EPA for Air-born Lead
- Examination of alternative site layouts featuring no action beyond the boundary of the parcel (not in the shopping center).

Chairman Meixner said that if the parcel is not accessible from the Shopping Center then there would be a potential traffic problem with people pulling out into Rte. 100.

Ms. Rosenzweig noted that the traffic would be difficult anyway because of the intentions of closing the Goldens Bridge A & P and everyone coming into Somers from that location.

Chairman Meixner said that they are going to realign the traffic light, which should help the situation somewhat.

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**Old Business:**

**B) Alexan Somers Woods:**

Ms. Rosenzweig referenced that another idea/alternative was to limit the supermarket to 20,000-sq.ft. as opposed to 30 or 40,000 sq.ft.

Discussion ensued among the Board members with reference to the proposed size of the building. They compared the size of various stores that they all knew and tried to picture the size in the proposed shopping center addition.

Dr. Lapetina said that 20,000-sq. ft. is not a large store. It probably should be around 30,000 to 40,000-sq.ft. in order to be viable.

Chairman Meixner agreed and said that it has to be large enough to be profitable, as Gristedes was too small.

Ms. Rosenzweig informed the Board that right now the applicant's are looking to connect the two areas, residential and commercial. She said that the DEIS will address these issues.

Board member Shoshana Hantman said that the proposed store would be close to the size of a football field.

Ms. Rosenzweig noted that the applicant did a very good job with what they said that they were going to do.

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**Old Business:**

**B) Alexan Somers Woods:**

The Board members took no further action at this time.

**C) Omnipoint Communications @ Towne Centre/Site Plan/Planning Board, Plan Sheet #Z-1 through Z-6 dated August 21, 2006, revised June 15, 2009 (per Planning Board comments), Z-1/Title Sheet; Z-2/Amended Site Plan; Z-3/Enlarged Site Plan & Details; Z-4/Compound Plan, Elevation & Details; Z-5 SP/Secondary Pole Location; Z-6/Wetland Buffer Mitigation, Planting Plan & Details; Prepared by On Air Engineering, LLC, (#325/Rte. 100 Towne Centre): (JM)**

The Conservation Board reviewed the above Planning Board application for Omnipoint Communications @ Towne Centre site plan and Planning Board comments 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:

- The applicant incorporated 'clouded areas' on the plans where the information was revised said Board member Moriarty.

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**Old Business:**

**C) Omnipoint Communications/T.Ctr.:**

- On page Z-6 the applicant spelled “approved” incorrectly. They had the spelling as “apprvoed”. This error should be corrected and a new set of plans submitted to the Planning Board. Engineering plans should not display error of this sort.
- Board member Moriarty advised that the Planning Board requested that the applicant prepare different colors to be considered for the pole so that they might get some idea of what would be most suitable.

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Discussion ensued among the Board members with reference to the application and also some documentation that was forwarded to the Conservation Board at the same time.

The Board members did not understand the nature of the complaint made by the applicant (in the documentation that was copied to the Conservation Board) and therefore had no comment on its content at this time.

Chairman Meixner inquired about the height of the structure and asked if it was going to be 110-ft. tall.

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**Old Business:**

**C) Omnipoint Communications/Discussion:**

Mr. Moriarty responded that he thought it was about that height.

Chairman Meixner asked what color is suppose to blend in at 110-ft.?

Board member Shoshana Hantman responded sky blue.

Ms. Rosenzweig advised the Board that the applicant is going to gradually change the color of the pole. She explained that she had read the letters to the Planning Board and the applicant intends on doing it.

She specified that the applicant is going to have the colors graduated from the bottom up with brown, green and then blue at the top.

Ms. Rosenzweig inquired about the location of the proposed cell tower and asked if the location had changed from the original to the alternate.

Board member Moriarty responded that the applicants are proposing to keep the tower in the original location, in or near the wetland buffer.

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**Old Business:**

**C) Omnipoint Communications/T.Ctr.:**

Chairman Gary Meixner inquired about the cell tower exhibiting a blinking light because of the proximity to the state police barracks as their helicopter lands in that general area.

The Board members general consensus is that maybe the cell tower should not blend in due to helicopter activity in the area.

The Board members discussed the information with reference to this application and the relocation of the State Police barracks, etc. They also mentioned the various Post Office locations and the areas that they cover with reference to this application.

Dr. Frank Lapetina noted that the State Police barracks in question, located on Rte. 100 in Somers has recently has been manned with a skeleton crew during this 'move' process.

Discussion ensued among the Board members with reference to the timeline on this particular application. The members agreed that the Omnipoint Communications application is not taking any longer than any other application before the Planning Board especially of this nature.

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**Old Business:**

**C) Omnipoint Communications/T. Ctr.:**

After the Board members reviewed the information provided by Mr. Moriarty they decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#09-29) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Omnipoint Communications @ Towne Centre, site plan amended site plan as per Planning Board comments at their meeting on July 14, 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) Upon examination of the paperwork that was submitted, on pages Z- 6 there was a misspelling of the word “approved” the applicant spelled it “apprvoed”.
  - This misspelling should be corrected and a new document submitted to the Planning Board. Engineering plans in general should not display errors of this sort.

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

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**Old Business:**

**C) Omnipoint Communications/T. Ctr.:**

The Board members took no further action at this time.

**D) St. Joseph's Church/JFK High School/Site Plan/Planning Board, revised 6-15-09; TS-Title Sheet/General Notes; Horizontal/Vertical Site Distance Analysis; SP-Sheet 1 & 2/Soil Hydrology, Wetlands, Steep Slopes; C-1,2,3 Stormwater Management; C-4,5,6/Erosion Control; L-1/Church Parking Lot Planting Plan; LD-1/Church Parking Lot Planting Details & Notes; Sheet No. 1-17/SP & Zoning Table/Church & Parking Layout Plan/Sport Field 1,2/Fire Access Road Plan & Profile/SS 25% & greater/Tree Plan 1-4/Church Garage Driveway Profile, Wall Elevations & Sections; Details 1-3; SP, Layout, Details/Treatment Plan-Onsite Wastewater Treatment, (Rte. 138/across from Best Plumbing): (CF)**

The Conservation Board will review the above Planning Board application for St. Joseph's Church/JFK High School site plan, hydrology, wetland, steep slopes and stormwater management at their next meeting.

Board member Charles Friedberg was not present at the meeting tonight. He will review the materials submitted and give a report to the Board.

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

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**Old Business:**

- E)** Email from Town Planner/Hull/re: Memo dated June 19, 2009 St. Joseph's Church/JFK High School Project; Draft Negative Declaration; Final Draft Part 3; Final Draft Revised: (CF)  
The Conservation Board tabled their review of the above memo regarding St. Joseph's Church and JFK High School Project until their next meeting.

Board member Charles Friedberg was not present at the meeting tonight. He will review the materials submitted and give a report to the Board.

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

**New Business:**

- A)** Dalton/Wetland Activity Permit/Administrative/Sketch dated June 18, 2009, Section 48.13, Block/1, Lot 29.2, Construct privacy fence on easement side of property (starting at the northeast corner and 208-ft. south from there) Prepared by Applicant, (#3 South Lane, Katonah/east side/off Moseman): (FL)  
The Conservation Board reviewed the above administrative application for Dalton wetland activity permit, sketch 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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**New Business:**

**A) Dalton/WAP/Admin.:**

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Report:

- Dr. Lapetina advised the Board members that this application was located on South Lane which is south of Moseman Avenue.
- He informed the members that the application was administrative and he performed a site inspection on June 30, 2009. He also attended the Administrative Review Team meeting.
- Board member Lapetina explained that the applicant proposes to construct a (stockade) privacy fence approximately 208-ft. long and 6-ft. high because his neighbors are causing a lot of activity.
- The Campanella Fence Company is constructing the proposed fence and it will be constructed on the north side of the property which happens to be in the wetland buffer area.
- The applicant also proposes that the wood be non-toxic treated posts said Dr. Lapetina.
- Board member Lapetina specified that the bottom of the fence should be off the ground to allow passage of wildlife.

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**New Business:**

**A) Dalton/WAP/Admin.:**

- He went on to explain that Town Engineer Gagne wrote in a memo to the applicant (afterwards) that there should be a maximum of 4” opening at the base of the fence. He referenced that this was determined at the Administrative Review Team’s meeting.

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Dr. Lapetina informed the Board that the substance used to treat the wood is not toxic, he mentioned that it might be treated with copper.

Board member Shoshana Hantman asked if copper was toxic?

Mr. Moriarty responded that it was not.

Board member Lapetina confirmed that it was not toxic to humans.

He asked if the Town Engineer’s Finding Statement was in the materials provided to the Board.

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**New Business:**

**A) Dalton/WAP/Admin.:**

After some investigation Ms. Davis concurred and noted that the Engineer Gagne did write his Finding Statement and it was incorporated into the C.B. packet.

Board member Lapetina read from the Finding Statement and advised that the applicant is being asked to consider a drainage easement for the Town to create a water quality improvement basin along the southern boundary line (not where the fence is located) but near the stream (to the west).

Chairman Meixner asked if this stream travels to the Muscoot Reservoir?

Dr. Lapetina responded that he did not know. He advised that the stream is located to the west and south end of the property.

The Board members took no further action at this time.

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**New Business:**

- B)** St. Joseph's Church/JFK High School/Site Plan/Planning Board; Tree Plan-Sheet No. 7-10/17 (1/2/3/4); On-site Wastewater Treatment System- Sheet No. 15 & 16/17 (1/2), dated November 7, 2007 revised June 23, 2009, Prepared by Petrucelli Engineering (Rte. 138/across from Best Plumbing): (Del to CF)

The Conservation Board members will review the above Planning Board application for St. Joseph's Church/JFK High School site plan, tree plan and wastewater treatment system at their next meeting.

As Board member Charles Friedberg was not present at the meeting Chairman Meixner asked C.B. Secretary Ms. Davis to deliver this application to him for review and comment.

Board member Shoshana Hantman said that she would like to review this application with Charles and mentioned emailing him.

The application for St. Joseph's Church/JFK High School site plan, tree plan and wastewater treatment system was tabled by the Board members.

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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There being no further business to discuss, a motion to adjourn was made at 8:45 PM by Board member Shoshana Hantman and seconded by Board member Dr. Frank Lapetina. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on July 28, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on August 11, 2009 and August 25, 2009 respectively.

Respectfully submitted,

Rosetta Davis  
Secretary  
Conservation Board

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Cc: Town Board  
Town Clerk  
Town Engineer  
Town Planner  
Planning Board  
Zoning Board  
Open Space Committee  
Architectural Review Advisory Board  
Landmark Committee