

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JULY 28, 2009**

The July 28, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Charles Friedberg, Dr. Edward Merker, James Moriarty,
Gary Meixner

Absent: Shoshana Hantman, Dr. Frank Lapetina, Gloria Rosenzweig

Guests: None

Announcements:

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

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Announcements:

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

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

Approval of Minutes:

A motion was made by James Moriarty and seconded by Gary Meixner to approve the minutes of the July 14, 2009 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty made changes to the minutes dated July 14, 2009 on page 12.

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/Contact OSC: (GM-JB/Anglefly)

The Conservation Board discussed the above subject project that is being undertaken by Chairman Gary Meixner, which involves a C.B. goal that he has been working on regarding former John L. Behler.

Chairman Meixner has been looking into the dedication of a trail/area, etc. in the Anglefly Preserve for former Board member John L. Behler. He will be contacting the Open Space Committee Chairperson Michael Barnhart to see if this endeavor is possible.

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Old Business:

A) C.B. Goals 2009:

Among his many accomplishments, John Behler was instrumental in helping the Town of Somers in their efforts to locate and name the endangered species and wildlife that call the Anglefly Preserve their home.

C.B. Secretary Ms. Davis reported to the Board that on Sunday July 26th she located a Conservation Board membership list with John Behler's home number on it and she phoned Debbie Behler, John's wife.

Ms. Davis advised the Board that she spoke to Mrs. Behler about the proposed dedication of a trailway or area of land to her late husband John. Mrs. Behler told her sometime during the conversation that she thought it would be a wonderful idea.

Discussion ensued among the Board members and questions were raised regarding John Behler and his service to the Town.

Dr. Merker inquired about the years that he served on the Conservation Board for the town.

Ms. Davis responded that he served the Town for over 25 years on the Conservation Board.

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Old Business:

A) C.B. Goals 2009:

Chairman Meixner agreed and explained that he thought it was more than 25 years.

Dr. Merker asked about John's accomplishments.

Ms. Davis explained that she had a write-up on her computer that she made for the town in order for them to award him a plaque for his years of service to the Town. She noted that the information also included his personal accomplishments as well. She informed the Board that she would retrieve the information and send it to them.

Dr. Merker mentioned that maybe the information could be emailed to the Board.

Chairman Meixner inquired about whether or not there was a picture of John available.

Ms. Davis mentioned that she had a picture of John on her computer, but she did not know if she would be able to forward it to Gary. She advised that she would try to email the picture to him.

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Old Business:

A) C.B. Goals 2009:

Ms. Davis asked Chairman Meixner if he was going to follow-up on this situation with the Open Space Committee.

Chairman Meixner asked Ms. Davis to email him Debbie Behler's phone number and Open Space Committee Chairman Michael Barnhart's number as well.

The Board members took no further action at this time.

B) 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 will review the above item regarding an email/memo received from Town Planner Hull regarding the JFK High School Project.

C.B. Secretary Ms. Davis noted that this item was tabled from the last meeting of the Board.

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Old Business:

B) Email/TP/SCH/St. Joseph's Church:

Board member Charles Friedberg explained that he would like to discuss items B, C, and D of 'Old Business' in the same report that he will give to the Board tonight.

C) 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/SS; 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 at their meeting tonight. This application had been tabled for discussion at the last C.B. meeting.

Board member Charles Friedberg explained that he would like to address all three items (B, C, D) pertaining to this application at the same time.

D) 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): (CF)

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Old Business:

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

The Conservation Board will review the above Planning Board application for JFK High School, site plan, wastewater treatment system and tree planting plan and at their meeting tonight.

Board member Charles Freidberg reviewed the materials submitted in the above three items (B, C, D) pertaining to the JFK High School application and gave a report to the Board.

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Report:

- The tree plan was the first item discussed by Board member Friedberg. He explained to the Board that he was looking forward to having input from Dr. Lapetina while reviewing this plan.
- He went on to say that most of the proposed landscaping for the site does not appear to have adequate room reserved for the planting of the root ball.
- Mr. Friedberg explained that after measuring it out according to the plans provided by the applicant, the root ball size allows approximately two times the diameter of the ball.

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Old Business:

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

- The applicant should be realizing that the proper size of the hole for planting is recommended to be three times the diameter of the ball; not two as written in the document provided.
- According to past discussions on the matter, it appears that the applicant is not making the planting hole for the root ball large enough for the tree to survive.
- After observation by the Board and some discussion on the matter it was determined that the applicant is planting trees that are 2 to 3 inches in diameter, with root balls approximately 12 to 18 inches wide said Mr. Friedberg. That being the case it is estimated that the curves noted on the plans in the location of the trees to be planted are approximately 3-ft. wide.

Dr. Edward Merker inquired as to what was used to make the estimation.

- Board member Friedberg said he used their formula, which is noted on the plans.

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Old Business:

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

- Mr. Friedberg explained that the applicant also spells it out in writing and explains that they have the hole for the root ball as two times the diameter of the ball. The plan refers to the 'see schedule above', which is as stated.
- Board member Friedberg noted that as such it appears that the hole for the root ball is not going to be large enough.
- The applicant is planting a wide variety of trees including deciduous, which after a cursory review appears to be adequate.
- Mr. Friedberg noted that there are two large trees that the C.B. has expressed concern about. One is a Sycamore (#178) and the other is a Maple (48") (#177), which are near each other. They are located in an area that is not scheduled to be paved by the applicant.
- Board member Friedberg explained that the applicant is removing other smaller trees in the vicinity of the 'protected' trees and the Conservation Board would like to remind them that the tree removal for those trees should not include removing the root ball.

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Old Business:

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

- The trees that are slated to be removed should be flush-cut and removed and then the applicant should grind the stumps, not dig them up. The item numbers for the trees to be removed are the following: #176, 177, 179, 217, 218, 219, 249 and 251.

Dr. Edward Merker agreed and reiterated that the tree removal should not include the root ball. The proposed trees for removal should be flush cut and the stump ground, but not dug up.

- Board member Friedberg noted that another area of concern for the C.B. is that the applicant will be changing the direction of the ball field; it will now be facing Rte. 138. As a result they will be constructing a large retaining wall due to the steep slope.
- The proposed retaining wall will create two new issues:
 - a) Potential runoff problems; and
 - b) It should be built correctly so there is no chance of failure.
- Mr. Friedberg noted that there is not a lot of detail provided by the applicant. He explained that they are using something called 'ready-block', which is stacked.

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Old Business:

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

Dr. Merker inquired about the 'ready-block'.

Chairman Meixner said that they lock into one another and they can be stacked one on top of the other.

Board member Charles Friedberg asked for input from James Moriarty with reference to this endeavor.

Mr. Moriarty noted that the retaining wall appears to be 16-ft. tall.

Chairman Meixner said that the retaining wall should have gravel behind it.

Board member Moriarty asked about the sample materials that the applicants are showing.

After observing the plans Mr. Moriarty said that there is gravel behind it and it is all pre-engineered so that should not be a problem, they should be able to go up as high as necessary.

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Old Business:

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

Chairman Meixner inquired about the depth of the footing.

Mr. Moriarty said that it was noted on the previous page.

- Board member Friedberg explained that the retaining wall abuts the pond and there will be a 6-ft. high fence that sits on top of the retaining wall. For the purpose of clarity there will be a retaining wall up to the field and then a fence (6-ft. high) on top of that.

He mentioned that there were other engineering comments, but they do not pertain to the Board.

- Mr. Friedberg noted that the church is allowing for 250 to 300 parking spaces for cars, which would be controlled by a stop sign and a stop bar before entering onto Rte. 138.

Dr. Merker inquired about a 'stop bar'.

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Old Business:

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

Chairman Meixner explained that it is the painted/vinyl white line.

Board member Friedberg mentioned that it appears that the applicant should consider a traffic light due to the fact that it is a two-lane well-traveled road and the applicants are dramatically changing the traffic pattern.

As a point of information, Chairman Meixner mentioned that there is a blinking light at the Fox Lane school and that is not really sufficient.

Mr. Friedberg noted that at 9:30 AM it took him six lights to make it through there the other day.

Board member Friedberg reiterated to C.B. Secretary Ms. Davis that the information on the trees is very important and should appear in the C.B. memo to the Planning Board.

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

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Old Business:

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

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A memo (#09-31) 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, wetlands, steep slopes, tree plan and wall elevations at their meeting on July 28, 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 proposed hole for the root ball of the trees to be planted does not appear to be large enough for proper growth.
 - The root ball of the trees should be planted in a hole that is approximately three times the diameter of the existing root ball.
 - The plans submitted reflect approximately two times the diameter.

- 2) The applicant proposes to preserve two large trees, a Sycamore (#178) and a Maple (#177) and is providing them with a 100-ft. buffer area.
 - We would like to remind the applicant that there are other trees in the vicinity of these two trees that are slated to be removed.

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Old Business:

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

- They are tree numbers: 176, 177, 179, 217, 218, 219, 249 and 251.
- 3) The Board strongly recommends that the applicant consider cutting down the following trees (#176, 177, 179, 217, 218, 219, 249, 251) and then grinding the stump.
- This procedure will avoid disturbance to the root system of the large Sycamore (#178) and the large Maple (#177) that are slated for preservation.
 - Absolutely no heavy equipment should be used in the 100-ft. buffer area of the large Sycamore and Maple trees.

The Conservation Board will continue to review the application for St. Joseph's Church/JFK High School as revisions are submitted.

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The Board members took no further action at this time.

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New Business:

- A)** Discussion/Conservation Board/Letter from Town Planner/Hull to Deputy Commissioner Buroughs AICP dated July 14, 2009/re: Mahopac Branch Trailway & JFK High School Campus: (EM)

The Conservation Board acknowledged receipt of the above letter from Town Planner Hull to Deputy Commissioner Buroughs regarding the Mahopac Branch Trailway and JFK High School Campus at the meeting.

After some discussion on the matter Board member Dr. Edward Merker asked that this item be tabled for discussion until the next Conservation Board meeting. The Board members agreed.

Dr. Merker mentioned that he would like to look into the situation of whether or not the grant money would be available for this new proposed location.

This item will be tabled until the next meeting of the Board.

The Board members took no further action at this time.

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New Business:

- B)** Sussman Mobil Station/Site Plan/Planning Board/12-8-08-Traffic & Parking Evaluation by John Collins, Engineer, PC; 8-21-01-Copy of letter regarding Remediation System Proposal from Environmental & Fueling systems LLC, Douglas Priest Geologist; 3-10-08-Copy of reply from Sussman to PB/re: item #21 of Memo dated 3-10-08/re: scheduled gas deliveries; 6-30-09-Title Sheet/Proposed Alterations & Additions to Gasoline Filling Station @291 Rte. 100, Design Dev. or Conception Plans; 6-3-09-Copy of Memorandum from Roy van Lent, RA made a part of DD or Conceptual Plan Set noted pages 1 of 3; 6-3-09-Drawings No. 1-10, Design Option (concept) which depict site plans, building interior layout plans and exterior elevations: (GM)
The Conservation Board will review the above Planning Board application for Sussman Mobil Station site plan, proposed alterations and additions, conceptual plan, exterior elevations at their next meeting.

Chairman Gary Meixner will review the materials submitted, perform a site inspection of the property and give a report to the Board.

Chairman Meixner gave a brief report to the Board stating that the applicant is proposing three alternate plans for this location, which incorporates three different size buildings along with the required additional parking spaces.

Board member Friedberg inquired as to what the applicant is trying to do.

Chairman Meixner said that they are proposing to build a mini-mart and according to Code they need to have adequate parking. The applicant prepared three alternate plans for our review.

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New Business:

B) Sussman Mobil Station/SP:

The Chair informed the Board that the applicant proposes to eliminate the parking located in the area in front of the building.

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

C) Conservation Board Members/Update/Phone numbers, etc. for Membership List: (RD)

C.B. Secretary Ms. Davis noted that several of the members phone numbers have changed and in an effort to have the Membership List accurate she would like to incorporate those changes if possible.

Board member Friedberg explained that his cell number has changed.

Board member Moriarty said that his cell number could be removed and his email should be used instead.

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New Business:

C) C.B. Membership List/Update:

Ms. Davis said that she would check with Frank, Gloria and Shoshana at the next meeting.

There being no further business to discuss, a motion to adjourn was made at 8:40 PM by Board member Charles Friedberg and seconded by Board member Dr. Edward Merker. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on August 11, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on August 25, 2009 and September 8, 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