

**TOWN OF SOMERS  
CONSERVATION BOARD  
MINUTES OF MEETING  
AUGUST 11, 2009**

The August 11, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: Charles Friedberg, Gloria Rosenzweig

**Guests:** None

**Announcements:**

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

Board member Gloria Rosenzweig phoned C.B. Secretary Ms. Davis to inform her that she 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 July 28, 2009 regular meeting of the Conservation Board. All members present approved.

Board member Dr. Frank Lapetina made changes to the minutes dated July 28, 2009 on page 9.

**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/EM)

The Conservation Board members discussed the goal that is being worked on by Chairman Meixner regarding John Behler and the dedication of a trail or section of property in his memory at the Anglefly Preserve.

Ms. Davis asked the Chair how he would like to proceed with fulfilling this concept. She inquired about whether he would also like to contact John's wife Debbie (as she had done previously) or go directly to Michael Barnhart Co-Chair of the Open Space Committee and present him with the idea.

Ms. Davis noted that she recently emailed Gary with the phone numbers of both Debbie Behler and Michael Barnhart. She mentioned that if it would help she could also text these numbers to his cell phone.

Chairman Meixner said that he has not had the time to pursue this endeavor, but he would try to get it done by the next meeting.

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**Old Business:**

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

Ms. Davis inquired about the contents of the packet and asked if everyone received and read the information that she forwarded regarding John Behler, as the current members were not familiar with anything about him.

Dr. Lapetina responded that they received the information and also the emails that were sent at that time in order to help the current Board members have some idea who John was and how long the Conservation Board had been thinking about doing this dedication.

Dr. Lapetina inquired about former Board member Richard Crannell and asked about his tenure on the Board as he sent several of the emails in question.

Ms. Davis explained that Board member Crannell was a member of the Conservation Board in March 2006 when Mr. Behler passed and he was very moved by the situation at the time.

Discussion ensued with reference to the emails and the nature of the request by the Conservation Board members.

Dr. Lapetina asked for clarity with reference to the emails and wanted to know if there was some problem with the request at that time.

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**Old Business:**

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

Ms. Davis said that the emails were going back and forth at that time between the Conservation Board members and Supervisor Murphy. The Board members were hoping at that time to rename the Anglefly Preserve, due to the respect they all had for Mr. Behler and his vast knowledge as well as how long he had been volunteering on the Conservation Board. However, after speaking with Supervisor Murphy and Michael Barnhart of the Open Space Committee they all realized that it would be more appropriate to name a section of the Preserve or a trail after Mr. Behler.

At that time, Ms. Davis said that the Anglefly Preserve was too new and there was no talk about trails or sections or anything that could be named so the idea was put on hold until now. She went on to say that as it stands right now at the present time the idea of naming an area in the Anglefly Preserve could probably be incorporated and it would be a more viable time frame then three years ago.

Board member Shoshana Hantman inquired as to whether or not John Behler was actually Dr. John Behler.

Ms. Davis responded that she was not aware of him being "Dr. Behler" but John was very low-key, so it is possible that he held that title. She noted that it would be important to know if that was the case. In the meantime she went on to say that she would call his wife and asked her about the title.

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**Old Business:**

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

Dr. Edward Merker specified that it was actually a good time to bring up trail naming because he mentioned that the volunteers are starting to cut trails now.

Ms. Davis asked if that was happening under the auspices of the Open Space Committee.

Dr. Merker said that he thought there was a committee for the Anglefly Preserve that was handling that part of the planning (making/naming trails), but he specified that it incorporated all volunteers at this time.

A discussion ensued regarding this project moving forward and Board member Dr. Merker mentioned that he would help facilitate that concept in any way that he was able.

Ms. Davis asked if any of the Board members had any questions with regards to John Behler or anything pertaining to this endeavor that she might be able to answer.

Dr. Merker asked if Ms. Davis had worked with Mr. Behler on the Conservation Board.

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**Old Business:**

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

Ms. Davis responded that she had the pleasure of working with Mr. Behler for many years as secretary to the Conservation Advisory Council and then Conservation Board while he was a member. In fact, she said that John was a member of the Council for some time before she was appointed secretary. She noted that he probably has been involved with the Board (Conservation Advisory Council) since the inception of the CAC by the Town Board until his untimely death around March of 2006, which is quite amazing.

She went on to say that Mr. Behler's attendance and participation at the meetings was exemplary. He was an avid contributor towards all of the projects happening in town especially with regards to wetlands, endangered species, tree preservation and steep slopes alteration. His specialty was, of course, reptiles and amphibians, with many studies taking place in this area (and abroad) on turtles, said Ms. Davis.

The Board members took no further action at this time.

**B) Conservation Board Request/re: John L. Behler, former C.B. Member and Memo #09-30//Discussion:**

The Conservation Board members had some discussion at the last meeting regarding former Board member John Behler.

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**Old Business:**

**B) Memo/09-30/JLB:**

As most of the members never had the pleasure of knowing Mr. Behler they inquired about his credentials and they wanted to have a better idea of who he was and how he served the Town.

At the last meeting C.B. Secretary Ms. Davis said that she would retrieve the information for a plaque that was provided to Supervisor Murphy regarding John Behler.

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A memo (#09-30) was sent to the Board members stating the following information:

Accomplishments/John L. Behler:

- Among his vast accomplishments, John Behler served as a volunteer member to the Conservation Board for the Town of Somers for over 25 years of devoted service. He was a Board member when the first Open Space Index was created and the Conservation Advisory Council became a Board.
- John Behler was the Curator for the Reptile Department at the Bronx Zoo. His job involved traveling worldwide. He devoted most of his life as an educator in the field of reptiles and amphibians.

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**Old Business:**

**B) Memo/09-30/JLB:**

- John was asked by the Town to be involved in the Anglefly Preserve (Eagle River) acquisition and walked the property for endangered species.
- Mr. Behler was also on the Board of Trustees for Teatown Lake Reservation for 10 years (a Wildlife Preserve located in Yorktown Heights, New York).
- John Behler was involved with the (International) World Conservation Union as a member of the Crocodile Specialist Group. He also served as the Chairman of the Tortoise and Fresh Water Turtle Specialist Group.
- In 1974, John Behler traveled to Australia and Papua (New Guinea) to help set up the first Crocodile Farming Program for the United States Fish and Wildlife. (The people were taught to raise crocodiles for their meat and hides instead of poaching).
- In 1979, John wrote the National Audubon Field Guide to North American Reptiles and Amphibians.

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**Old Business:**

**B) Memo/09-30/JLB:**

- Mr. Behler wrote 50 Papers and Field Reports on Reptiles and Amphibians. He also wrote five Guidebooks on Reptiles and Amphibians.
- John L. Behler wrote the following books entitled:

ALLIGATORS & CROCODILES, written by John & Deborah Behler and published in 1998.

SNAKES, a Book for Children, written by John & Deborah Behler and published in 2002.

FROGS/A CHORUS OF COLORS, written by John & Deborah Behler and published in 2005.

NEW YORK STATE REPTILES & AMPHIBIANS, an unfinished book that is in the process of being written by John Behler and colleagues.

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The Conservation Board took no further action at this time.

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**Old Business:**

- C)** 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 reviewed the information provided by Town Planner Hull in her letter to Deputy Commissioner Buroughs regarding the Mahopac Branch Trailway and the JFK Campus. They will further discuss this document at their next regular meeting.

The Conservation Board members agreed at the last meeting that they would like to see grant money made available for the Trailway project in this new proposed location (if that is the only location allowed).

Board member Dr. Edward Merker said that he was looking into the situation and speaking with representatives of the City of New York, but he has not made contact to date.

Chairman Meixner asked about someone from another organization.

Dr. Merker responded that he did not take that avenue. He said that most of the trail around the back of the school actually goes through City property.

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**Old Business:**

**C) Discussion/TP/Memo/JFK:**

Board member Merker went on to explain that what the memo from Town Planner Hull says is that they would like see the Trail continue behind JFK property, but that property belongs to the City of New York. JFK has nothing to say about the use of the proposed property (as it is not theirs). Any decision concerning the proposed property in the memo would now be in the hands of the City (as it is their property). To date he said that it looks as though no one is pushing for the Trail to go on the JFK property.

Chairman Meixner opined that there was opposition to the use of the JFK property because there was discussion regarding the construction of a fence to keep the kids away from the Trail. He noted that this conversation took place at a meeting at the Town House regarding the Church project located at JFK High School Campus.

Dr. Merker mentioned that there may be a corner of the Trail that imposes on JFK property, but such a small area would probably not be a problem. He expressed the fact that he would look into the situation and probably contact the Regional Supervisor for the DEP.

The Board members decided to table discussion on this matter.

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

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**Old Business:**

- D)** 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, (Rte. 100 on right below Towne Centre):  
(GM)

The Conservation Board reviewed the above Planning Board application for Sussman Mobil Station site plan, proposed alterations and additions, conceptual plan, exterior elevations at their meeting.

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

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Report:

- Chairman Meixner noted the location of the gas station on Rte. 100 after Towne Centre on the right side of the road.
- He explained that the applicant is proposing to build a mini-mart and additionally is required by Code to have adequate parking.

Chairman Meixner noted that this project has been going on for a little while now.

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**Old Business:**

**D) Sussman Mobil/SP:**

Board member Dr. Lapetina agreed and said that both he and Gary looked at the application originally. He did not recall how long it had been, maybe one year ago.

- The Chair reported that the applicants have submitted three alternate plans for this location that incorporates three different size buildings (scheme A, B, C) and the required additional parking spaces.
- Chairman Meixner explained that scheme 'A' is comprised of 3200 sq.ft. and is approximately 48.5-ft. x 65-ft. Originally it was going to be two stories, but right now it is proposed to be one story.

Dr. Lapetina remarked that the existing building is two stories now.

- Chairman Meixner informed the Board that scheme 'B' is comprised of 2600sq.ft. and is approximately 32-ft. x 81-ft., which is also proposed to be one story.

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**Old Business:**

**D) Sussman Mobil/SP:**

Board member Dr. Lapetina noted that the applicant is proposing a larger footprint on the new buildings than he has on the existing one.

Chairman Meixner responded affirmatively.

- The Chair informed the Board members that the applicant proposes to eliminate the existing parking area located in the front of the building. He explained that the proposed building would occupy that area of the property.

Dr. Lapetina noted that the building was previously proposed in that location and they were moving the propane to the rear of the property. He inquired about the existing square footage of the building.

Chairman Meixner responded that it is 880sq.ft.

Dr. Lapetina noted that the applicant proposes a building that is approximately three times the size of the existing one.

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**Old Business:**

**D) Sussman Mobil/SP:**

- Chairman Meixner said that the plans exhibit the shelving proposed for the inside.

Dr. Lapetina referenced that the applicant is making the structure like a food mart. He further advised that the only issue that he can remember was on the southwest side. He said that as you are looking at the site from the road the area in question was located on the far end in the back.

- Chairman Meixner agreed and said where the pond is located. He went on to say that the applicant is not going any further back than where the building and parking area is located now.

Dr. Lapetina mentioned that originally the applicant was going to plant trees in that location in the back area.

- Chairman Meixner went on to say that scheme 'C' would comprise approximately 2772.6sq.ft. and would encompass 45-ft. x 61-ft., and this too would be one story.

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**Old Business:**

**D) Sussman Mobil/SP:**

Ms. Davis asked if all of the schematics for proposed buildings would look the same.

Chairman Meixner responded that the pictures depicted on the plans are the same style for each of the different schemes (A,B,C).

Dr. Lapetina inquired about what happened to the first rendition including the original set of plans and the conceptual data.

Chairman Meixner responded that the Planning Board asked the applicant for more choices on the site plan and different layouts.

Dr. Lapetina commented to the Board that the original plan seemed very straightforward and simple by comparison.

- Chairman Meixner noted that the propane tank is going to be located in the back left-hand corner on all proposals (A,B,C).

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**Old Business:**

**D) Sussman Mobil/SP:**

Dr. Lapetina agreed and said that the propane tank was always going to be moved to the southwest corner of the property. That is the best place to put it, there really is no other location for the tank.

- Chairman Meixner advised that the proposed disturbance is going to take place right where the building is located now. They will lose the parking in the front and have additional in the rear.

Dr. Merker noted that plan 'A' is considerably larger and it is a wetland buffer area and the Chair's concern over people at the pumps having more room is legitimate so it makes more sense to go for the smaller footprint, which is scheme 'C'.

Dr. Lapetina noted that in scheme 'B' the applicants have not changed the distance from the parking area to the front it is still 38-ft. clear to the parking area and the outer edge.

The Board members examined the plans to determine which plan would be the best-suited scheme for the location.

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**Old Business:**

**D) Sussman Mobil/SP:**

A discussion ensued among the Board members with reference to the pumping of air behind the gas station and the evaporation of pollutants in the ground. Apparently the applicants have to do this to clean out the air.

Dr. Lapetina noted that scheme 'C' has 17 spaces; scheme 'B' has 24 spaces and scheme 'A' has 19 spaces. He commented that from the standpoint of less area, scheme 'C' looks the best.

Chairman Meixner and Dr. Lapetina both thought that scheme 'B' was not a good plan. Board member Moriarty agreed and said that there was not enough room for the pump area.

Board member Shoshana Hantman asked for clarification on the distance and the pumps, etc.

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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A memo (#09-32) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Sussman Mobil Station site plan at their meeting on August 11, 2009.

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**Old Business:**

**D) Sussman Mobil/SP:**

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

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

The Conservation Board reviewed the applicant's submission of three alternate plans for the proposed site.

- 1) The Board members decided that Plan "B" was unacceptable.
  - The parking on the side of the building could compromise the cars pulling up to the pumps (as well as the 38-ft. from the pump area).
  
- 2) The Board members decided that Plan "C" was acceptable.
  - This plan demonstrates a smaller footprint for the mini-mart, which appears to be more environmentally friendly.
  
  - The smaller footprint is a better proposal for the applicant to consider while building in the wetland buffer area.

The Conservation Board will continue to review this application for Sussman Mobil Station as revisions are submitted.

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**Old Business:**

**D)** Sussman Mobil/SP:

The Board members took no further action at this time.

**E)** Conservation Board Members/Update/Phone numbers for Membership List/Shoshana Hantman-Frank Lapetina-Gloria Rosenzweig: (RD)  
C.B. Secretary Ms. Davis thanked the members for their recent input and changes to the Membership List and asked if there were other changes that should be incorporated into the new list.

Board member Dr. Edward Merker noted that his work number is not necessary and should be deleted from the membership list.

Chairman Meixner noted that his home number was incorrect and that it should be deleted from the membership list.

Board member Moriarty explained that his cell phone should be deleted as it changes regularly depending on what project he is currently working on at the time.

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**Old Business:**

**E) C.B./Membership List/Update:**

Dr. Lapetina advised that his cell number is not necessary as he rarely has it turned on. He said that he can be reached at his home number and that if any of the Board members would like his cell he would be happy to provide them with the number.

The Board members took no further action at this time.

**New Business:**

**A) Conservation Board Budget 2010/Prepare for Finance Office/six copies:**  
C.B. Secretary Ms. Davis informed the Board members that it is Budget time for the Town and therefore the Board has to submit their budget sheets to the Finance Office along with six copies for their review and processing.

Ms. Davis explained that the Town Board asked that the Budget items reflect the same numbers as was previously submitted last year (before the adopted budget-as that was not used).

Ms. Davis noted that she drafted a copy of the 2008 budget request for the Board members to look over and provide comments and suggestions. She advised that the 2010 budget would be prepared by the next Board meeting.

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**New Business:**

**A) C.B. Budget 2010:**

The Board members reviewed the preliminary budget, and as they have little to say with reference to the figures that will be submitted they made some comments on the appropriate wording that should be used.

Dr. Lapetina had some suggestions for the wording of the 2010 C.B. Budget that could be incorporated into the original to be submitted at the next meeting.

After some discussion on the matter the Board was in agreement with the contents of the document and tabled further discussion until the next meeting.

The Board members took no further action at this time.

**B) Conservation Board Goals 2010 and Accomplishments 2009/for Budget for Town Board:**

The Conservation Board members discussed their accomplishments for 2009 and pending goals for 2010 at the meeting.

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**New Business:**

**B) C.B. Goals 2010:**

Chairman Gary Meixner explained that the main goal for the upcoming year should be to continue trying to get the bike path extension near JFK High School and the proposed St. Joseph's Church. He thought that this was one of the most important endeavors that the Board should be working on at present.

Discussion ensued among the Board members with reference to the necessity of having to create goals and accomplishments for the Town Board.

The Board members after some discussion on the matter were of the opinion that the 'goals and accomplishments' section of the Budget should not apply to them.

The Board reviewed the budget sheets and examined the section where it asks for the goals and accomplishments and decided that the various departments, with many employees and directives and a large budget were the ones that the Town Board was targeting for this action.

Dr. Merker noted that the C.B. is not a department. He explained that the members comprise a Board and as such we have our own directives.

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**New Business:**

**B) C.B. Goals 2010:**

The Conservation Board members all agreed that they should not be held responsible for creating goals and accomplishments. Part of the reason is because the C.B. is strictly a volunteer Board, with a bare minimum budget and their directive is to work at the pleasure of the Town Board with reference to interpretation of the Town Code as it pertains to wetlands, steep slopes and tree preservation. Also, the C.B. is of the opinion that they are not considered a 'department' such as the Highway Department or Planning Board. Therefore, they do not believe that they should have to create goals and accomplishments.

Dr. Lapetina agreed with Dr. Merker and said that it was a matter of interpretation and unless the C.B. is specifically told that they have to have goals and accomplishments then they do not.

C.B. Secretary Ms. Davis agreed that it was not clear in the budget sheets as far as who needs to have goals and accomplishments and who does not. It could use clarification. She went on to say that this concept just started last year so they went along with the request. She did not know if the Town Board meant specifically that the Conservation Board should fulfill these goals and accomplishments.

Since the Board members are not in favor of having to do these additional tasks Ms. Davis said that she would look into the situation for them. She then asked them how they would like her to go about finding out whether or not they have to do the work.

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**New Business:**

**B) C.B. Goals 2010:**

After some discussion by the Board, Ms. Davis said that she would email Supervisor Murphy with the request of the Conservation Board. She said that she understands their respective ideas with reference to the fact that they already have their goals as the Conservation Board and they volunteer at the pleasure of the Town Board to uphold the Town Code on applications.

The Board members took no further action at this time.

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

**C) Omnipoint Communications @ Towne Centre/Site Plan/Planning Board, Cover letter dated 8-3/8-6-09, R. Gaudioso of Snyder & Synder & 7-10-09 letter On Air Engineering, Sheet Z-1 to Z-7 dated 8-21-08, revised 7-10-09, Prepared by On Air Engineering LL, (Rte. 100 Towne Centre): (GR)**  
The Conservation Board will review the above Planning Board application for Omnipoint Communications at Towne Centre site plan at their next meeting.

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**New Business:**

**C) Omnipoint Communications/SP:**

Chairman Meixner asked C.B. Secretary Ms. Davis to deliver this plan to Board member Rosenzweig as she has been working on this application for some time now and is familiar with the various aspects of the process and could better review the information for the Board.

Board member Gloria Rosenzweig will review the materials submitted and give a report to the Board at the next Conservation Board meeting.

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 10:00 PM by Board member Dr. Edward Merker and seconded by Board member Shoshana Hantman. All members present approved.

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The next regular meeting of the Conservation Board will be held at the Town House on August 25, 2009 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on September 8, 2009 and September 22, 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