

**TOWN OF SOMERS  
CONSERVATION BOARD  
MINUTES OF MEETING  
SEPTEMBER 22, 2009**

The September 22, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: None

**Guests:** None

**Announcements:**

Board member Dr. Frank Lapetina informed the C.B. Secretary that he might not be able to attend the meeting tonight.

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**Approval of Minutes:**

A motion was made by Charles Friedberg and seconded by Shoshana Hantman to approve the minutes of the September 22, 2009 regular meeting of the Conservation Board. All members present approved.

**Old Business:**

- A)** Dedication of Trailway or Area to John L. Behler/Dr. Merker to contact Open Space Committee/Michael Barnhart/Update: (EM)  
The Conservation Board discussed the above subject matter regarding the proposed dedication of a trail or area in the Anglefly Preserve to former Board member John L. Behler.

C.B. Secretary Ms. Davis informed the Board that the question that was posed at the last meeting regarding this subject matter was who has the responsibility of naming the trails, etc. for the Anglefly Preserve.

Board member Dr. Edward Merker mentioned that he does not know that information and he would like to refer this request for the dedication of a trail to the Open Space Committee for their response. He noted that Michael Barnhart is involved with many committees, etc. and would be better equipped to handle this endeavor.

Dr. Merker noted that the Conservation Board would no longer be working on this goal as Supervisor Murphy emailed the C.B. Secretary and said in her email that the Conservation Board does not have to address goals and accomplishments as part of their Budget requirement.

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**Old Business:**

**A) Dedication of Trailway:**

Supervisor Murphy had agreed that the C.B. already serves at the pleasure of the Town Board with regards to the Town Code and reviewing applications for steep slopes, wetlands and tree preservation and has no staff or significant budget to manage.

Dr. Merker asked that this item be dropped from the agenda.

The Conservation Board agreed with Dr. Merkers request to take this item off the agenda.

The Board members took no further action at this time.

**B) 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/Update: (EM)**

The Conservation Board reviewed the above information from Town Planner Hull in her memo to Commissioner Buroughs at their meeting.

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**Old Business:**

**B) Discussion/C.B.:**

Discussion ensued among the Board members with reference to the above subject matter concerning the Mahopac Branch Trailway and the JFK High School Campus.

After discussion on the matter the Board members concluded that they would not be addressing this subject matter, as it would be referred to the appropriate entity for them to pursue.

The Board members took no further action at this time.

**C) St. Joseph's Church/JFK High School/Site Plan/Planning Board dated August 13, 2009, TS-Title Sheet dated 8-13-09; SP & Zoning table dated 8-11-09; Church & Parking layout plan; Sport Field 1 & 2; Fire Access road plan & profile; Steep Slopes 25% & greater, tree plan 1-4; Church garage driveway profile, wall elevations & sections; Details 1-3; Onsite wastewater treatment, SP, Layout plan, Details; Steep Slopes, wetlands & wetlands buffer map; Steel hydrologic map; Site distance analysis; Proposed Stormwater management C/1-3; Sediment & erosion control plan C/4-6; Stormwater management details C/7-10; Watershed map-existing condition, pre/post; Church parking lot, planting plan/planting details & notes; Stormwater pollution prevention plan & drainage analysis; Other-Letter from D. Cackovic to PB, 8-13-09, (Rte. 138/across from Best Plumbing): (EM)**

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**Old Business:**

**C) St. Joseph's Church/SP:**

The Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School site plan, steep slopes, wetlands, wetland buffer, tree preservation and stormwater management at their meeting.

Board member Dr. Edward Merker reviewed the materials submitted and gave a report to the Board.

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Report:

- Dr. Merker informed the Board members that the applicant followed the C.B. recommendations in their memo dated August 8, 2009 regarding the trees to be taken down that are located near the large trees to be preserved.
- Board member Merker noted that the applicant agreed to grind down the stumps in the trees to be removed in the area around those trees to be preserved. This would be done instead of removing the root system and possibly damaging or disturbing the remaining trees that we are trying to preserve.
- Dr. Merker pointed out that the C.B. request for stump grinding is noted on the revised plans submitted to the Board.

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**Old Business:**

**C) St. Joseph's Church/SP:**

- Board member Merker also advised that the applicant noted on the plans that the C.B. request for no heavy equipment in that area would be honored.

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Chairman Meixner had some concerns about further erosion in that area with regards to putting blocks around the trees to be preserved.

Board member Merker responded that the main concern was for the preservation of the root system of those large trees, there was no dialogue regarding the use of blocks.

Discussion ensued among the Board members with reference to the preservation of the large trees on the property. They also discussed the erosion control measures proposed by the applicant.

The Board members took no further action at this time.

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**Old Business:**

- D)** Wright's Court/formerly Barlow Ct./Hallic Pl./Site Plan Planning Board dated August 17, 2009, Landscape Plan 8-14-09; Redesign exterior façade 8-24-09/added mech. Room 7-24-07, Building A-1, A-2 & B; Existing conditions plan; Aerial Neighborhood Plan, Site Layout Plan; Site grading & utilities plan; Sediment & Erosion Control Plan; Driveway Profiles & Sediment & erosion control details; Construction Details, drainage & sight line profiles; Construction details; Sediment, Erosion & Construction sequencing notes, Prepared by Kellard Sessions Consulting PC, (Scott Drive/off Rte.100): (CF)

The Conservation Board reviewed the above Planning Board application for Wright's Court site plan, sediment-erosion control, construction details as well as grading and drainage details at their meeting.

Board member Charles Friedberg reviewed the materials submitted and gave a report to the Board.

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Report:

- Mr. Friedberg informed the Board members that the applicant addressed the majority of the recommendations put forth in the memo from the Conservation Board.
- Board member Friedberg explained that the applicant, according to the plans submitted intends on planting more trees for privacy in the back area of the property (west side) where it borders the residential neighborhood (as requested by the C.B. in their memo).

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**Old Business:**

**D) Wright's Court/SP:**

- He explained that the applicant also addressed the protection of the trees that are slated for preservation and it is noted on the plans submitted.
- Board member Friedberg informed the Board that the applicant discussed the erosion control measures to be used including the silt fence details as recommended by the Board encompassing woven wire fence and steel posts.
- Mr. Friedberg noted that the applicant changed the location of the dumpster and is going to put it on concrete instead of the geoblock that was originally proposed by the applicant.

Chairman Meixner mentioned that his understanding is that the Board of Health recommends that dumpsters should be located on concrete.

- Mr. Friedberg explained that the applicant decided to stay with their original decision to plant deciduous trees instead of planting some evergreens as recommended by this Board.

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**Old Business:**

**D) Wright's Court/SP:**

- He went on to say that according to the plans, they appear to be doing a good job with protecting the healthy trees and taking down those trees that are not healthy. This has been accomplished by visual inspections conducted by a trained arborist.
- Board member Friedberg advised that the applicant appeared to be taking into consideration most of the recommendations made by the Conservation Board.
- He advised that the applicant provided detail regarding the diameter of the trees to be protected and procedures on how those trees would be protected on the plans submitted.
- Mr. Friedberg informed the Board that the parking area had been scaled back several spaces. He further advised that he did not see any geoblock parking area on the site plan.
- Board member Friedberg noted that the revised plans exhibit more tree protection than had been previously proposed by the applicant.

Board member Shoshana Hantman inquired about the name of the applicant's Architect.

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**Old Business:**

**D) Wright's Court/SP:**

Mr. Friedberg responded that the Architect is Kellard Sessions, located in Armonk, New York.

- Board member Friedberg noted that the revised plans exhibit a significant amount of detail on the proposed catch basins and stormwater management for the parcel.

Dr. Frank Lapetina inquired about the size of the pipes that are to be used in this endeavor.

Chairman Meixner said that they should be at least 18 inches.

- Mr. Friedberg responded that the outlet pipe was 24 inches on the plan.

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Dr. Lapetina asked Mr. Moriarty if he could read the plans to the Board.

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**Old Business:**

**D) Wright's Court/SP:**

Board member James Moriarty advised that the plans exhibit a 6-inch line and a 24-inch outlet pipe.

Chairman Meixner noted that the applicants have a minimum size pipe that they have to use according to law.

Dr. Lapetina said that a 6-inch pipe is standard for feeding into the catch basin from a yard drain, roof drain or something of that nature.

Chairman Meixner agreed, but added not from a catch basin to a stormwater feature.

Discussion ensued among the Board members with reference to this application.

The Board members took no further action at this time.

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**Old Business:**

- E)** Homeland Towers, LLC & New Cingular Wireless PCS, LLC (AT&T)/Notice of SEQRA Action/Zoning Board of Appeals-Notice of Intent to act as Lead Agency; Site Location-Photo Log-Viewsheds Composite Map; Applicant seeking special exception use permit and area variances application to construct a Public Utility Wireless Telecommunications Facility, 140-ft. monopole with 12 small panel antennas together with related equipment at base thereof in R-80 Residential District; EAF, (#121 Rte. 100 Somers):  
(JM)

The Conservation Board reviewed the above Zoning Board application for Homeland Towers, LLC and New Cingular Wireless PCS, LLC (AT& T) Notice of SEQRA action and intent to be lead agency.

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

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Report:

- Mr. Moriarty explained to the Board members that upon review of the materials submitted, there were three issues of concern in the applicants Environmental Assessment Form.
  - 1) On page 4, it is not normal procedure to leave the answer as N/A when identification of plant and wildlife is requested. Regardless of the field conditions or size of the disturbance, there is a definite need for a trained environmental/ecological professional (independent of the project) to visit the area and write a review. The reviewer would then need to put his name and qualifications in the section “according to”, even if the answer to number 11 is “no”.
    - The point is to make sure that the subject matter is not being overlooked.

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**Old Business:**

**E) Homeland Towers, LLC:**

2) The determination of natural material to be removed is not specified correctly. The answer given is 15+/- tons/cubic yards. The answer needs to be either in cubic yards or tons, not both, as they are two different measurements.

- Why? Erosion control calculations are applicable to this section.

3) On page 9 of the EAF, the word “shopping” is spelled incorrectly.

- Reports submitted to the Town of Somers should be proofread for accuracy.

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The Conservation Board members briefly discussed these informational points at the meeting and decided to send a memo to the Zoning Board to let them know.

\*

A memo (#09-35) will be sent to the Zoning Board of Appeals stating that the Conservation Board reviewed the above Zoning Board application for Homeland Towers, LLC & New Cingular Wireless PCS, LLC (AT& T), at their meeting on September 22, 2009.

The Board members reviewed the materials submitted, and discussed the application among them.

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**Old Business:**

**E) Homeland Towers, LLC:**

There are three issues that should be corrected on the Environmental Assessment Form for this application.

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

- 1) On page 4, the applicant responded N/A when identification of plant and wildlife was requested.
  - Regardless of the field conditions or size of the disturbance, there is a definite need for a trained environmental/ecological professional (independent of the project) to visit the area and write a review.
  - The reviewer would then need to put his name and qualifications in the section “according to”, even if the answer to number 11 is “no”.
  - The point is to make sure that the subject matter is not being overlooked.
  
- 2) The determination of natural material to be removed is not specified correctly. The answer given is 15+/- tons/cubic yards.
  - The answer needs to be in either cubic yards or tons not both, as they are two different measurements.
  - Erosion control calculations are applicable to this section.

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**Old Business:**

**E) Homeland Towers, LLC:**

- 3) On page 9, the word “shopping” is spelled incorrectly.
  - Reports submitted to the Town of Somers should be proofread for accuracy.

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The Conservation Board members took no further action at this time.

**New Business:**

- A) Somers Realty Planned Hamlet/Site Plan/Planning Board, Preliminary Subdivision Application dated August 5, 2009 & August 27, 2009, Plans dated July 31, 2009, Sheet 4.20, Block 1, Lot 13, 14, 15 & p/o 12, Divide 79.38 acres into 3 lots; one 5-acre lot in NE corner which will be sold to Housing Action Council to develop 72 units of affordable senior housing; one 0.9128-acre parcel w/frontage on Mahopac Avenue-donated to the Somers Fire District; one 71-acre parcel that will be subdivided in the future, (Rte. 6 & Mahopac Avenue): (JM)**  
The Conservation Board will review the above Planning Board application for Somers Realty Planned Hamlet Site Plan/Preliminary Subdivision at their next meeting.

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**New Business:**

**A) Somers Realty Planned Hamlet/SP:**

Board member James Moriarty will review the materials submitted, perform a site inspection of the property and give a report to the Board.

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

- B) St. Joseph's Church/JFK High School/Site Plan/Planning Board dated September 10, 2009, Proposed Church and Relocation of Athletic Fields at JFK High School, Response to TE comments July 2, 2009 and August 18, 2009, Site Plan and Zoning Table; Church & Parking Layout Plan; Sport Field 1 & 2; Fire Access Road Plan & Profile; Steep Slopes 25% & Greater; Tree Plan 1 to 4; Church Garage Driveway Profile; Onsite Wastewater Treatment; Steep Slopes, Wetlands & Wetland Buffer Map; Soil Hydrologic Map; Proposed Stormwater Management & Details; Sediment & Erosion Control Plan; Temporary Sediment Basin Plan; Watershed Map; Church Parking Lot Planting Plans, Details & Notes; Etc., (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, steep slopes, tree plan, wetlands, wetland buffer map and stormwater management details at their next meeting.

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

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**New Business:**

**B) St. Joseph's Church/SP:**

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

**C) Planning Board Meeting September 9, 2009/Discussion CB/re: Email from Conservation Board member/re: Wright's Court:**

The Conservation Board members briefly discussed the above email regarding Wright's Court.

After some discussion on the matter it was decided that Chairman Meixner should speak to the Chair of the Planning Board.

The Board members took no further action at this time.

**D) Environmental Leaders Learning Alliance/ELLA/Report/Yorktown adopted a tree ordinance: (FL)**

As a point of information Board member Dr. Frank Lapetina announced that Yorktown has adopted a tree ordinance and it appeared in a report generated by ELLA.

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**Old Business:**

**D) Wright's Court/SP:**

Discussion ensued among the Board members regarding the tree ordinance.

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 9:00 PM by Board member Charles Friedberg and seconded by Board member Shoshana Hantman. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on October 13, 2009 at 7:30 PM.

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Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on October 27, 2009 and November 10, 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