

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
MARCH 9, 2010**

The March 9, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, James Moriarty, Gary Meixner

Absent: Dr. Edward Merker, Gloria Rosenzweig

Guests: **Town Board**/Harold R. Bolton

Announcements:

The Board notes that there are two vacancies on the Conservation Board.

Board member Charles Friedberg is no longer a member of the Board.

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Announcements:

Board member Dr. Frank Lapetina is no longer a member of the Board. Dr. Lapetina was the C.B. representative for the administrative review team meetings.

Approval of Minutes:

A motion was made by Shoshana Hantman and seconded by James Moriarty to approve the minutes of the February 9, 2010 regular meeting of the Conservation Board. All members present approved.

Board member Dr. Frank Lapetina amended the C.B. Minutes dated February 9, 2010 on page 5.

Board member James Moriarty suggested a change to the C.B. Minutes dated February 9, 2010 on page 2.

Old Business:

- A)** Town Property for Cell Tower/No property available/Conservation Board knowledge of this situation/Ms. Rosenzweig will look into this matter and give report: (GR)
The Conservation Board members tabled discussion of the above subject information regarding the use of town property for a proposed cell tower until the next meeting.

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Old Business:

A) Cell tower/town property:

Board member Gloria Rosenzweig was not able to be present at the meeting to give her report.

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

B) Town Board/Resolution, dated January 19, 2010/Refer proposed Town Code Changes/to appoint representative in addition to Town Engineer for administrative enforcement and approval of Chapter 156, Tree Preservation; and Chapter 167, Wetlands; to Conservation Board and Planning Board for Comment/Memo C.B.:

The Conservation Board members tabled discussion of the above Town Board resolution dated January 19, 2010 until the next meeting.

The Board members would like clarification on the code changes as the resolution was distributed to them without any back-up information explaining the proposal.

The Board members took no further action at this time.

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Old Business:

- C) Kauffman/Wetland Activity Permit/Planning Board, Project Plans (3-Sheets) dated January 27, 2010, Section 17.12, Lot 2, Block 2.11, Proposed in-ground swimming pool with drainage, Activity Area 3800 sq.ft.; Plan E-1/Existing Conditions & Soil Map; Plan CM/Constraints Map; Plan P-1/Pool Plan & Details; Other – SMESC Application, Prepared by Bibbo Associates, LLP, (#13, East side of Rte. 116, 250-ft. from intersection of Deans Bridge Road): (JM)

The Conservation Board reviewed the above Planning Board application for Kauffman wetland activity permit for a proposed in-ground swimming pool at their meeting tonight.

Board member James Moriarty reviewed the materials submitted, performed a site inspection of the property and gave a report to the Board.

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Report:

- The application is located on the east side of Rte. 116, 250-ft. from the intersection of Deans Bridge Road/#13 Rte. 116.
- Board member Moriarty advised that the entire project is located within the 100-ft. wetland buffer zone.
- The applicants are proposing the installation of an in-ground swimming pool.

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Old Business:

C) Kauffman/WAP:

- Mr. Moriarty noted that DEC regulations (1997) state that no new impervious surfaces are permitted within the 100-ft. buffer of a watercourse. The exception is an improvement to the residence. He opined that the installation of a swimming pool was considered an improvement to the residence.
- He stated that the EAF contained six items that were crossed out and written over noting that this is a legal document and nothing should be written over or crossed out, especially without initialing.
- Board member Moriarty explained that the size of the activity area is noted as 85-ft. x 45-ft.; and the size of the activity area is 3800 sq.ft., but if one multiplies 85 x 45 it would be 3825 not 3800.
- He advised that the document states that the activity area encompasses .1 acre, which is 4,365 sq.ft. The applicant needs to pick one of the three figures that are the most accurate and apply that to the information provided in the EAF he said.
- Mr. Moriarty informed the Board that in the drawing on P-1, the notes conflict with one another. One note says that they will seed immediately and another note states that the area will be seeded in one week. This statement should be more accurate.

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Old Business:

C) Kauffman/WAP:

- He explained that there is only one stockpile shown on the site; but normally there should be two stockpiles on site. One should be for topsoil strip and one for bulk fill storage. The applicant should correct this oversight.
- Board member Moriarty informed the Board that there is a new shed on the property that is not shown in the site plan. He said that it requires a permit, fee and an engineering review. The owner said that the person who installed the shed told him that he does not need a permit for the shed.
- He mentioned that while he was visiting the site the owner came out and wanted to go through everything with him. The owner was concerned about his application and wanted everything submitted to the town to be correct.
- Mr. Moriarty commented that according to state guidelines the DEC says that the owner can install the pool (as noted above) as it is an improvement.
- Board member Moriarty further advised that the applicant needs to follow the drawings submitted with regards to managing the silt fencing responsibly and stormwater management, etc. The applicant should also correct the inaccuracies in the EAF document provided.

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Old Business:

C) Kauffman/WAP:

Board member Shoshana Hantman asked for some clarification as to the location of this property and Mr. Moriarty obliged her by showing the location on the plans submitted.

Chairman Meixner specified that the engineering errors need to be corrected and resubmitted to the Board. He asked where the wetlands were located and if there was a pond.

- Board member Moriarty responded that there is an active small stream in the rear portion of the property that is seasonal. He explained that as long as the applicants install and maintain the stormwater management and silt fencing then there should be no problem.

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After some discussion on the matter the Board members decided to write a memo to the Planning Board stating their concerns and proposed changes.

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A memo (#10-04) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Kauffman wetland activity permit, at their meeting on March 9, 2010. The application calls for the construction of an in-ground swimming pool within the wetland buffer area.

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Old Business:

C) Kauffman/WAP:

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 entire project is located within the 100-ft. wetland buffer zone.
 - There is an active small stream in the rear portion of the property.

- 2) The EAF exhibits six items that are crossed out and written over.
 - A new EAF should be prepared without errors to the report.

- 3) There are incongruities in the information provided in the EAF, there are several different figures noted in this legal document.
 - Activity size: 85-ft. x 45-ft. = 3800 sq.ft./should be 3825 sq.ft.
 - Size of activity notes .1 acre which is 4365 sq.ft./should be 3825 sq.ft.

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Old Business:

C) Kauffman/WAP:

- 4) The drawing on Page P-1 denotes conflict of information.
 - Seeding of stockpile – after one week.
 - Seeding of stockpile – immediately.
 - The engineer for the applicant should choose one or the other.

- 5) Only one stockpile is shown on the plans submitted; normally there should be two.
 - One for topsoil.
 - One for bulk fill storage.
 - The plans should be amended accordingly.

- 6) The Site Plan does not exhibit the existing shed (8-ft. x12-ft.) located on the property.
 - The shed was recently constructed in the wetland buffer zone without a permit/town fee or engineering review, which is a violation.
 - This needs to be addressed by the Engineering department.

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Old Business:

C) Kauffman/WAP:

- 7) The applicant should ensure that the silt fencing is constructed in a responsible manner.
 - The silt fencing should be properly maintained throughout the construction phase of the installation of the pool.

- 8) All drainage and retention issues should be addressed according to the plans submitted with no exceptions.

- 9) The applicant should address the violation on the property and the application should be re-submitted with the EAF and Engineering corrections to the plans.

The Conservation Board will continue to review the application for Kauffman wetland activity permit as revisions are submitted.

The Board members took no further action at this time.

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New Business:

A) Town Board member Harold R. Bolton/attended Conservation Board meeting tonight:

Town Board member Bolton spontaneously decided to attend the Conservation Board meeting tonight. He had some questions for the Chairman and Board members with reference to the topics discussed at the meeting.

Mr. Bolton expressed some interest with the dialogue that took place at the meeting.

C.B. Secretary Ms. Davis said that even though some things are stated at the meeting, if they are not pertinent then they might not be included in the finished document of the minutes. She explained that when the document is complete then anything that does not belong or is not pertinent is taken out. She noted that the minutes are not completely verbatim.

B) Term Expiration of C.B. Members/Board member Charles Friedberg and Board member Dr. Frank Lapetina/The Board members would like to thank them for participation these past years/letters/discuss at meeting:

The C.B. Secretary was asked by Chairman Gary Meixner to draft letters to be sent to Mr. Friedberg and Dr. Lapetina thanking them for their participation these past years.

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New Business:

B) Term Expiration/C.B.:

C.B. Secretary Ms. Davis produced two draft letters for the Board members to review and revise before sending them to the former Board members.

Board member Hantman mentioned that Dr. Lapetina's letter should mention his expertise and wisdom, which was extremely valuable at the meetings. She also made note that Mr. Friedberg used an iPhone (not ipod) at the meetings as a tool for reference.

The Board members revised the draft letters at the meeting. The letters will be corrected and mailed to Mr. Friedberg and Dr. Lapetina before the next Board meeting.

The Board members took no further action at this time.

- C) Town Board appointments to the Conservation Board (2)/Memo:**
The Conservation Board discussed the fact that they are in need of two additional Board members at this time. In order to operate at full capacity, according to Town Code there should be seven members on the Board; at present there are only five.

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New Business:

C) T.B./Appointments:

After some discussion on the matter, the Board members decided to write a memo to the Town Board requesting two additional members for their team.

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A memo (#10-05) will be sent to the Town Board stating that the Conservation Board discussed the need for two new members at their meeting on March 9, 2010 as Dr. Frank Lapetina and Charles Friedberg have ended their term of office effective immediately.

The Board members addressed the fact that there is a need for two additional members in order to complete the seven-member town code compliance.

The Conservation Board would appreciate the Town Board taking action on procuring two additional members as soon as possible.

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The Board members took no further action at this time.

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New Business:

D) Appoint Conservation Board Member for attendance at Administrative Review Team meetings, representing the Conservation Board (former member to post/Frank Lapetina):

The Conservation Board discussed the Administrative Review Team meetings and the need for a C.B. representative that would be able to attend those meetings.

C.B. Secretary Ms. Davis informed the Board that Dr. Lapetina was the former Conservation Board representative for the administrative meetings.

Board member Shoshana Hantman inquired about the administrative review team meetings. She mentioned that she might not have the expertise for this endeavor.

Ms. Davis explained that they pertain to applications that are not in the Planning Board purview. They consist of small residential single family homeowners with wetlands and steep slope issues that are much less involved than the Planning Board reviews, i.e. steep slopes less than 25%, etc.

After some discussion on the matter Board member Shoshana Hantman said that she would be able to make herself available for the Administrative Review Team meetings as needed.

Chairman Meixner added that he would also make himself available as needed in case Ms. Hantman is not able to attend the meetings.

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New Business:

D) C.B./Administrative:

C.B. Secretary Ms. Davis inquired about the easiest way for Ms. Wendy Getting, Engineering Secretary to reach Ms. Hantman when there is going to be a meeting (as the meetings are scheduled randomly).

Ms. Hantman suggested that Ms. Getting could email her as she checks her email regularly. She advised that a phone message could be left as well however, she said that she prefers notification by email.

Ms. Davis responded that she would contact Ms. Getting and give her Ms. Hantman's email address and phone number as well as her preference regarding communication from the Engineering department.

The Board members took no further action at this time.

E) Merritt Park Estates Subdivision/TM-5.20-1-1/Application of Mancini Building Corporation for final subdivision approval, wetland, steep slopes and tree preservation permits for a 15-lot subdivision (discussed last at Planning Board meeting 9-21-05); Request copy of plans by memo, (Easterly side of Lovell Street & Addison Way):

The Conservation Board noted that the Planning Board was entertaining the above application for Merritt Park Estates on their recent agenda.

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New Business:

E) Merritt Park Estates:

Chairman Meixner thought that it would be a good idea for the Board to review the application as it has been years since they saw the plans and they involved wetlands and steep slopes.

C.B. Secretary Ms. Davis inquired about the application to the Secretary Ms. Getting and was told that she would have to speak to Town Planner Hull.

Ms. Hull contacted Ms. Davis by phone and recommended that if the Conservation Board would like to take a look at this application (as it has been on hold for five years) then they would have to write a memo to the Planning Board requesting a copy of the plans and information. She noted that the C.B. does not usually comment on the final subdivision plat.

Chairman Meixner discussed the application with the Board members and noted that the application has been around for a while. He explained that now that the applicants are going to take action on the subdivision he thought that the Board should take a look at what is going to be done.

Ms. Davis explained the situation to the Conservation Board members and they decided that a memo should be sent to the Planning Board requesting a copy of the plans, etc.

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New Business:

E) Merritt Park Estates:

After discussion on the matter the Conservation Board decided to write a memo to the Planning Board requesting the plans and pertinent information on the subdivision.

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A memo (#10-06) will be sent to the Planning Board stating that the Conservation Board discussed the above Planning Board application for Merritt Park Estates Subdivision at their meeting on March 9, 2010. The Board members note that the application is on the Planning Board Agenda for their meeting on March 10, 2010.

The Board requests that the Planning Board provides the application, plans, and pertinent information related to the Merritt Park Estates Subdivision for C.B. review.

The Board members would appreciate the above information at your earliest convenience.

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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 James Moriarty 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 March 23, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on April 13, 2010 and April 27, 2010 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 Board
Landmark Committee