

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JUNE 22, 2010**

The June 22, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: Gloria Rosenzweig

Guests: **Town Board**/Richard Clinchy

Announcements:

The Conservation Board has three vacant seats each for a two-year term.

Board member Gloria Rosenzweig has submitted her resignation as a member of the Conservation Board effective June 17, 2010.

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Approval of Minutes:

A motion was made by James Moriarty and seconded by Dr. Edward Merker to approve the minutes of the June 8, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of June 8, 2010 on pages 12, 32, 34 and memo #10-18.

Board member Dr. Edward Merker amended the Conservation Board Minutes of June 8, 2010 on page 34.

Old Business:

- A)** Town Board action/Conservation Board vacancies/C.B. requires three appointments to the Board to meet the Town Code criteria:
C.B. Secretary Ms. Davis informed the Board that there are now three vacancies on the Conservation Board. She noted that Gloria Rosenzweig recently handed in her resignation dated June 17, 2010 and the Town Board reappointed Shoshana Hantman at their recent meeting.

Ms. Davis went on to say that the Town Board canceled their special meeting that was to take place on June 17, 2010. The agenda for their meeting noted that they were considering three appointments to the Conservation Board for a term ending March 15, 2012. The names of the three pending appointees are John Purcell, Eric Evans and Michael J. La Gue.

The Board members took no further action at this time.

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Old Business:

B) Resignation/Board member Gloria Rosenzweig/Town Clerk's office/June 17, 2010:

C.B. Secretary Ms. Davis noted that the Board was in receipt of a letter of resignation from Gloria Rosenzweig dated June 17, 2010.

Board member Moriarty noted that a copy of the document was in the packet for the C.B. meeting tonight.

A brief discussion took place among the Board members with reference to Gloria's resignation, as she had been a Board member for sometime.

Ms. Davis asked the Board members if they would like to send a letter to Gloria thanking her for the many years of service that she donated to the town.

Chairman Meixner and the Board members agreed that sending a letter to Ms. Rosenzweig would be a good idea.

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A letter dated July 13, 2010 will be sent to Board member Gloria Rosenzweig stating that the Conservation Board for the Town of Somers would like to take this opportunity to thank you for the many years that you have volunteered on the Board. We will miss your presence at the meetings.

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Old Business:

B) Resignation/Rosenzweig:

The Board members are also grateful for your participation, reports and attendance at the meetings. Thank you for the time that you have generously donated to the Town.

Good luck to you in your future endeavors. It has been a pleasure working with you.

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The Board members took no further action at this time.

C) Site Inspection/Conservation Board/Site Inspection Rte. 100/a large number of trees have been cut down on steep slopes/C.B. memo #10-16/visit to Engineering office/report on status of this activity/waiting on response from Principal Engineering Technician/Update-email 6-21-10 Steve Woelfle, (#213/Rte. 100/North of Plumbrook Road/South of the Reservoir): (GM)

C.B. Secretary Ms. Davis informed the Board that she followed up on the above site inspection as directed by Chairman Meixner and she emailed the Principal Engineering Technician Mr. Woelfle who suggested that she come to the office and have a brief meeting, which she did.

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Old Business:

C) CB Site Inspection/#213 Rte. 100:

Mr. Woelfle informed Ms. Davis at the meeting that the site has Zoning Board approval (April 20, 2010) and a Building Permit along with a tree permit to build a two-car garage.

Chairman Meixner was wondering why the application did not come before the Board.

Ms. Davis explained that she thought it was because the applicant was originally going to have a Planning Board review. However, after speaking to Mr. Woelfle he decided that he did not want to wait the extended amount of time it would require for that endeavor. He opted for a lesser disturbance to the property and went before the Zoning Board for a variance (as it will be close to the road) and the Building department because he is proposing to build a two car garage.

Chairman Meixner mentioned that the applicant probably required a tree permit and it happens to be on a steep slope.

Ms. Davis agreed and said that she would check it out further with the Principal Engineering Technician and report back to the Board.

Discussion ensued among the Board members with reference to this application and the need for a steep slope permit as well as a tree permit.

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Old Business:

C) CB Site Inspection/#213 Rte. 100:

Board member Hantman had some questions concerning the proposed activity.

Ms. Davis explained that the applicant originally wanted to impact a much larger portion of his property, which would have involved a steep slope permit and would have required him to have a Planning Board review.

However, the applicant did not want to have a prolonged situation as he wanted to construct the garage as soon as possible so he decided to have less disturbance to the hillside and only do a variance and a tree permit. She thought that it might require an administrative permit, but Mr. Woelfle did not mention that at their meeting.

Ms. Davis said that she would ask for more clarification on the matter.

Some discussion ensued among the Board members and they decided to wait for additional information from Principal Engineering Technician Woelfle.

The Board took no further action at this time.

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Old Business:

- D)** Notice of SEQR Action/North End at Somers, LLC/Designation of Lead Agency/Disc for C.B. review: (EM)
The Conservation Board reviewed the above SEQR action for North End at Somers at their meeting.

Board member Dr. Edward Merker reported on the above SEQR action regarding North End at Somers and the designation of lead agency.

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Report:

- Dr. Merker informed the Board that this application involves the existing Golf Driving Range on Rte. 6 (heading towards Mahopac Avenue from Baldwin Place) and the proposed activity that will take place on that parcel of property.
- He informed the Board that the property is relatively flat with no steep slopes. The applicant is applying for a wetland activity permit as there is a body of water located behind the property.
- On the Sediment and Erosion Control section Dr. Merker noted that the applicant should include steel posts with wire mesh backing and filter fabric overlay.
- In the Landscape Detail Section he informed the Board that the tree planting detail should include holes that are three times the diameter of the root ball and two times the diameter of the shrubs.

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Old Business:

D) SEQR/North End:

Some discussion ensued among the Board members with reference to this application and they decided to write a memo to the Planning Board stating their recommendations.

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A memo (#10-25) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for North End at Somers, LLC designation of lead agency, disc for C.B. review at their meeting on June 22, 2010.

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:

SEDIMENT & EROSION CONTROL:

- 1) The applicant should revise the plans to exhibit steel posts with wire mesh backing and filter fabric overlay.

LANDSCAPE DETAIL:

- 1) The applicant should revise the tree planting detail to exhibit holes that are three times the diameter of the root ball of the tree.
- 2) The applicant should revise the shrub detail to exhibit holes that are two times the diameter of the root ball of the shrub.

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Old Business:

D) SEQR/North End:

The Conservation Board will continue to review the application for North End at Somers as revisions are submitted.

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The Board members took no further action at this time.

E) Mladenovic/Administrative Review/Wetland Activity Permit, Sketch on Survey of Property received May 20, 2010/footing drain around house to daylight/TM-36.11-1-6/Update aerial photo 2007/email 6-21, (#9 Mahopac Avenue/by Amawalk Post Office):

C.B. Secretary Ms. Davis was asked by the Chairman to look into the above subject matter and give the Board an update including a before and after aerial photo.

Ms. Davis informed the Board that the work has not been done to the site at present however the Principal Engineering Technician gave her an aerial photo of what the parcel and area looked like before the work has started. She explained that the County took the picture in 2007 and that there would probably be another aerial photo available sometime in the future after the work on the property has been completed.

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Old Business:

E) Mladenovic/WAP Administrative:

She explained that Mr. Woelfle informed her that he could produce an aerial photo from 1987, but she did not think that was necessary for the C.B. review.

Ms. Davis noted that Mr. Woelfle said that the footing drain will be removing ground water away from the basement and the water will be rainwater only. Mr. Woelfle informed her that the drain would be coming from the edge of the building and extending to daylight in the wetland area (and she showed the Board members on the photo provided).

Chairman Meixner said that he thought that the work had commenced and he would like to see the associated impact.

Ms. Davis replied that the County would have to do another aerial photo and that would be done sometime in the future by the County (on an ongoing regular basis).

Chairman Meixner said that he had seen an aerial photo that was different than the one provided and there was more clearing in the area. He mentioned that maybe it was something that was projected by the applicant and is not available in reality to date.

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Old Business:

E) Mladenovic/WAP Administrative:

Ms. Davis said that Steve had views from other visual locations, but there was no other aerial photo available than the one provided. She explained that she told him when the application is complete then the Board would like to see a copy of the new aerial photo.

The Board members took no further action at this time.

**F) Conservation Board Meeting/June 8, 2010/Map Room/toxic smell;
Update: (RD)**

Ms. Davis informed the Board that she was asked by Chairman Meixner to look into the fact that the Map Room (where the C.B. meets) had a toxic smell at the last meeting that was quite strong.

Ms. Davis explained that she emailed Supervisor Murphy and was told that Marty had been working on the wall and the smell was from the materials that he had to apply. She said that he was repairing the wall and that it was not toxic.

The Board members took no further action at this time.

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Old Business:

- G)** Homeland Towers/Cingular Wireless PCS LLC/AT&T #121 Rte. 100 – Amato, dated May 2010, Site Plan/Planning Board; height variance, rear yard variance, side yard variance; Title Sheet-T1; Plot Plan, List of Adjoiners & Notes-Z1; Site Plan-SP1; Partial Site Plan-Z1A; Setback Map & Bulk Requirements Table-Z2; Site Detail Plan-Z3; Elevations-Z4 & Z5; Equipment Details & Notes-Z6; AT&T Equipment & Details-Z7; Erosion Control-Stormwater Management Map-Z8; Erosion Control-Stormwater Management Details & Notes-Z8A; Erosion Control-Stormwater Management Details-Z9; Prepared by Snyder & Synder, LLP, (#121 Rte. 100/Amato property): (JM)

The Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless PCS LLC/AT&T #121 Rte. 100 – Amato site plan, variances, stormwater management and erosion control features 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:

- Mr. Moriarty informed the Board that the applicant is applying for three variances namely a height variance, a rear yard variance and a side yard variance.
- He noted that it appears that the applicant might need a fourth variance to be discussed involving the 500ft. regulation from the proposed cell tower.

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Old Business:

G) Homeland Towers/Cingular:

- Mr. Moriarty explained that he scaled the drawing and from the work area into the property line of the children's nursery he measured less than 500ft. He noted that the plan (Z-2) states 582ft.+-, but it does not seem to match their numbers.
- He said that it appears that the measurement is incongruous with the information provided. He noted that it might be an oversight on the part of the applicant, however it should be addressed. The applicant might need to apply for four variances if the measurement is less than 500ft. from the property line (as per Town Code).

Town Board member Clinchy noted that obviously the Planning Board is looking into this situation.

Ms. Davis explained that they would be getting the Conservation Board memo for their meeting tomorrow night. She advised that the previous C.B. memo noted the possibility of this discrepancy.

- Board member Moriarty advised that the applicant stated on the document provided that *there are no dwelling units, etc. within 500ft. of the project.*

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Old Business:

G) Homeland Towers/Cingular:

- On page Z-5 the applicant is showing the equipment on a 10ft. x 20ft. concrete pad, however the building is scheduled to be larger than the concrete pad (according to the information provided) he said.
- On page Z-8A the applicant has misspellings on the plan, i.e. “*immediately*” is misspelled two times. This should be proof read by the applicant he said.
- Mr. Moriarty advised the Board that on page Z-9 the applicant incorporated steel posts for silt fencing on the erosion control, which he said was done correctly.
- Page Z-1A has a note that states *compound to closest edge of nearest dwelling is 653ft.* This statement appears to be incorrect he said as the nearest dwelling is northeast of the construction area (daycare center).

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Chairman Meixner stressed that the applicant needs to provide a commercial entrance with curbing for the cell tower. He said that the DOT should be looking at this application as the owner is applying for a new use and it should be cleared through the DOT. It is not just going to be a one-time use he said.

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Old Business:

G) Homeland Towers/Cingular:

The Chair commented that the use will be forever and there will be truck activity at regular intervals. When this cell tower is complete there needs to be a commercial driveway in place he said.

Discussion ensued among the Board members and Town Board member Clinchy with reference to the commercial use of this property.

Chairman Meixner advised that over time traffic would be backing up on Rte. 100 and there will be problems, so a commercial entranceway would help alleviate some of the associated traffic concerns.

After some discussion on the matter the Conservation Board decided to send a memo to the Planning Board stating their concerns and recommendations.

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A memo (#10-26) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless PCS LLC/AT&T Amato #121 Rte. 100, site plan, variances, erosion control, stormwater management at their meeting on June 22, 2010.

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

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Old Business:

G) Homeland Towers/Cingular:

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

- 1) On Plan Z-1 the scaled drawing from the work area into the property line of the nursery school is less than the required 500ft. according to Town Code.
 - The applicant should correct the plans to exhibit the appropriate distance.
 - Otherwise, the applicant would need to go for a fourth variance for the distance to the nursery school, which is not the recommendation of the Conservation Board.

- 2) On Plan Z-2 the drawing states 582ft. plus or minus.
 - The drawing does not match the numbers submitted.
 - The plan should be revised to reflect the appropriate distance from the cell tower to the property line of the nursery school.
 - The plan states that there are no dwelling units, nursery schools, etc. within 500ft. of the project. The statement may be incorrect and should be revised by the applicant.

- 3) On Plan Z-5 it states that the equipment will be on a 10ft. x 20ft. concrete pad.

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Old Business:

G) Homeland Towers/Cingular:

- The proposed building is larger than the concrete pad displayed in the drawings.
- 4) On Plan Z-8A the applicant has numerous misspellings. The applicant should proofread these documents before submittal to the Town.
- The word “immediately” is misspelled two times.
- 5) On Plan Z-9 the applicant did show steel posts with the silt fencing for erosion control. This feature was exhibited correctly.
- 6) On Plan Z-1A the applicant states that from the compound to the closest edge of the nearest dwelling is 653ft..
- This statement is wrong.
 - The nearest dwelling (nursery school) is northeast of the construction area and much closer.

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Old Business:

G) Homeland Towers/Cingular:

- 7) The applicant should refer to C.B. memo #10-19 and #10-20 dated June 9, 2010 for further comments on these plans.

- 8) The applicant should consider upgrading the entranceway to the cell tower location to commercial status, as it is a new property use.
 - The entrance should be DOT approved and should exhibit curbing.
 - Future problems will facilitate a commercial entranceway including traffic issues on Rte. 100.

The Conservation Board will continue to review the application for Homeland Towers/Cingular Wireless as revisions are submitted.

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The Board members took no further action at this time.

New Business:

- A) McEntergart/Steep Slope Alteration Permit Application/Site Plan/Planning Board dated October 31, 2005, revised May 27, 2010; Alternate Site Plan dated October 13, 2005, revised May 27, 2010, Section 36.12, Block 2, Lot 6, Prepared by Bibbo Associates, LLP, (Amawalk Point Road/off Rte. 35 on right side/before Rte. 118): (EM)**

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New Business:

A) McEntergart/SSAP:

The Conservation Board will review the above Planning Board application for McEntergart steep slope alteration, site plan, alternate site plan at their next meeting.

Board member Dr. Edward Merker 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) Sussmann Mobil Station/Site Plan/Planning Board dated June 13, 2010, Project Drawings SP-2; Existing Conditions, SP-3; Site Plan "A", SP-6; Erosion Control & Construction Staging Plan, SP-7; Site Details, revised June 8, 2010, Stormwater Pollution Prevention Plan, revised June 8, 2010, Prepared by Bibbo Associates, LLP, (#291 Rte. 100/across from IBM): (GM)

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station, site plan, erosion control and stormwater pollution prevention plan 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.

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New Business:

B) Sussmann Mobil Station:

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

C) Mitchell Subdivision/Site Plan/Planning Board/Preliminary Subdivision Plat & Construction Drawings – 5 Sheets dated June 14, 2007, revised June 8, 2010, STD-1; Preliminary Plat & Construction Plan, EC-1; Erosion Control Plan, D-1; Road Profile & Related Details, D-2; Stormwater Management Facilities Details, D-3; Additional Site & Drainage System Details, Sheet 16.09, Block 1, Lot 9, Prepared by Bibbo Associates, LLP, (Tomahawk Street/Rte. 118): (JM)

The Conservation Board will review the above Planning Board application for Mitchell Subdivision site plan, erosion control, stormwater management facilities and drainage system details at their next meeting.

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.

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New Business:

- D)** Kauffman/Wetland Activity Permit Application/Site Plan/Planning Board, Existing Conditions & Soil Map, Constraints Map, Pool Plan & Details dated January 27, 2010, revised June 10, 2010, Section 17.12, Block 2, Lot 2.11, Prepared by Bibbo Associates, LLP, (#13 Rte. 116/off Deans Bridge Road): (JM)

The Conservation Board will review the above Planning Board application for Kauffman wetland activity permit, site plan, soil map, constraints map and pool plan at their next meeting.

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.

- E)** Projector & Screen Procedure/inquiry was made into the procedure for borrowing a projector and screen for the CB meetings: (EM/RD)
During discussion on an application Dr. Edward Merker brought up the subject of having a projector and screen at the Conservation Board meetings for use during the meeting.

Chairman Meixner thought that it would be a good idea and directed the C.B. Secretary to look into the matter.

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New Business:

E) Projector/Screen:

Discussion ensued among the Board members and Mr. Clinchy and afterward they asked the C.B. Secretary to look into the availability of a projector and screen. Mr. Clinchy suggested asking Town Planner Hull.

Ms. Davis was asked by Chairman Meixner to contact Town Planner Hull and see if she had the use of these tools or if she would know how to obtain them for the meeting.

The Board members took no further action at this time.

F) Discussion regarding Assisted Living/Senior Affordable Housing in Somers:

Chairman Meixner asked Town Board member Clinchy about assisted living and senior affordable housing in Somers.

Mr. Clinchy responded that assisted living was originally projected for Baldwin Place, but it was changed due to some dispute on the ownership of the road. The County wanted the town to adopt the ownership of the road prior to development and the town did not want the liability.

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New Business:

F) Assisted Living/Senior Affordable Housing:

The Board members took no further action at this time.

There being no further business to discuss, a motion to adjourn was made at 9:00 PM by Board member Dr. Edward Merker and seconded by Board member James Moriarty. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on July 13, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 27, 2010 and August 10, 2010 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 Board
Landmark Committee