

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JUNE 8, 2010**

The June 8, 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: None

Announcements:

The Conservation Board has two vacant seats available, each with a 2-year term.

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Announcements:

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

Approval of Minutes:

A motion was made by James Moriarty and seconded by Shoshana Hantman to approve the minutes of the May 25, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of May 25, 2010 on pages 8 and 12.

Board member Shoshana Hantman amended the Conservation Board Minutes of May 25, 2010 on page 5.

Old Business:

A) Town Board/Conservation Board vacancies/appointments to the Conservation Board/Update:

The Conservation Board members discussed the vacant seats that are waiting to be filled on the Board. The C.B. needs two to three members to add to their membership according to Town Code.

Chairman Gary Meixner inquired about whether or not there had been any recent appointments to the Board.

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Old Business:

A) C.B. Vacancies:

C.B. Secretary Ms. Davis responded that she was made aware of possibly three candidates that would be interviewing with the Town Board sometime in the future.

Chairman Meixner said that he spoke to Supervisor Murphy about the notice on cable TV regarding the vacancies on the Conservation Board and the fact that the program reflects 'pending' vacancies. He informed the Board members that Ms. Murphy assured him that the posting would be updated to reflect the current situation, which is not pending, but open.

Board member Moriarty said that as of yesterday the channel continues to reflect 'pending' vacancies for the Conservation Board.

Chairman Meixner asked the C.B. Secretary to contact the Supervisor's office and check on the status of the appointments before the next meeting.

The Board members took no further action at this time.

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Old Business:

- B)** Town Board Resolution/referral of donation of Iris Road property, Lincolndale, Section 5.15, Block 3, Lot 11 (60 x 100ft.), for review and comment by the Conservation Board, (*Iris Road at intersection of Locust Drive*): (GM)

The Conservation Board reviewed the above referral from the Town Board for the donation of a 60 x 100ft. lot on Iris Road in Lincolndale to the Town of Somers.

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 informed the Board that he drove by the property and noted that there might be some debris located on the property.

- He explained to the Board that before the Town decides to accept the property on Iris Road they should make sure that there is no debris on the parcel.

- The Chair said that the town should make sure that there are no hazardous materials located on the site. He advised that the town should ensure that the property does not have anything on it that should not be there.

- Chairman Meixner informed the Board that he did not want the town to be in a position where they would have to pay to remove whatever debris/materials are located on the property.

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Old Business:

B) T.B./Donation/Iris Road:

- The Town's consulting Engineer, Joseph Barbagallo should make a visit to the site before the town decides to adopt the property, he said.
- He went on to say that it would be a good idea if someone that has environmental experience could take a look at the property. He mentioned that maybe Mr. Barbagallo could recommend someone.

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The Board members decided to write a memo to the Town Board stating their recommendations prior to the Town adopting the property on Iris Road.

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A memo (#10-21) will be sent to the Town Board stating that the Conservation Board received the above Town Board resolution for referral of donation of Iris Road property located in Lincolndale for comment.

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:

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Old Business:

B) T.B./Donation/Iris Road:

- 1) The Board requests the town to make sure that all debris on the property scheduled for donation to the town is removed before agreeing to the donation.
- 2) The Board requests that any hazardous materials, if present on the property would be removed prior to the donation.
- 3) Consulting Town Engineer Joseph Barbagallo should visit the site before the Town adopts the property to ensure that the above steps have been addressed and to check the property on the behalf of the Town.

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The Board members took no further action at this time.

- C) Site Inspection/Conservation Board site inspection at #213 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: (GM)**
The Conservation Board discussed the above site inspection performed by Chairman Meixner on #213 Rte. 100 and the subsequent C.B. memo #10-16.

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Old Business:

C) Site Inspection/#213 Rte. 100:

Chairman Meixner said that he visited the Engineering office recently and unfortunately, Steve (Principal Engineering Technician) was not in the office so he did not get a chance to discuss the matter with him. He went on to say that he would like a response to the C.B. memo and an update on what is going on with the property in question.

C.B. Secretary Ms. Davis said that she would email the Engineering office and ask the secretary for a response from Steve with regards to that property.

Chairman Meixner said that Ms. Davis could email them or a phone call might be easier to get the information.

The Board members took no further action at this time.

D) Town of Yorktown/Referral for Permit Application for Private Park and Recreational Facility for Temporary Sports Fields on Navajo Road; EAF Part 3; Associated Wetlands/Excavation Permit dated May 17, 2010/Plans on file in Yorktown Town Clerk's office, (Navajo Road/off Rte. 6/first right after Whispering Pines Nursery): (GM)

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Old Business:

D) Yorktown/Referral/Navajo Road:

The Conservation Board discussed the above referral from the Town of Yorktown to create a private park and recreational facility for temporary multi purpose athletic fields on Navajo Road at their meeting. The project involves a permit for wetlands and excavation.

Chairman Meixner mentioned that he did not get a chance to review the plans at the Yorktown Town Clerk's office, but he visited the proposed site and reviewed the information that was submitted.

The Chair also noted that he read information in the North County News, which stated that two businessmen want to build ball fields (as a business) and enclose some of them for use year round.

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Report:

- Chairman Meixner said that the parcel is located on Rte. 6 heading towards the JV Mall, past Whispering Pines and then Navajo Road is the first right turn. He explained that there are several other commercial businesses in the vicinity of the proposed parcel including a daycare center.
- The Chair mentioned that the information was sent to Carmel, Mahopac and Somers as the property borders all three towns.

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Old Business:

D) Yorktown/Referral/Navajo Road:

- He advised that it is a commercial road with other commercial buildings located in the area. He explained that the developer is proposing a non-profit Corporation.
- Chairman Meixner noted that the property has wetlands (facing Yorktown) and draining towards Yorktown and ultimately the Hudson River. He mentioned that the DOT and the DEC were also involved agencies in this matter.
- He informed the Board that the DOT was an involved agency due to the entranceway to the property.
- The Chair explained that there would be six fields built and eventually some of them would be incorporated into enclosed, covered areas for use in inclement weather.

Chairman Meixner said that he was impressed with the cover sheet that showed what agencies would be getting the information submitted. He commented that it was a good idea and the information was useful.

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Old Business:

D) Yorktown/Referral/Navajo Road:

After some discussion on the application by the Conservation Board members they decided to write a letter to the Town of Yorktown thanking them for the information provided and including Somers in the review process.

The Chair directed the C.B. Secretary to ask that they keep us updated on the development of the parcel.

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A letter (#10-24) will be sent to the Town Board members, Town of Yorktown stating that the Conservation Board Members for the Town of Somers would like to acknowledge receipt of the above information on the proposed private park and recreational facility for temporary sports fields on Navajo Road.

The Conservation Board would like to take this opportunity to thank the Town of Yorktown for including them in the review process. We would also appreciate it if we could be kept updated on anything that would be pertinent to the application.

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The Board members took no further action at this time.

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Old Business:

- E)** Homeland Towers/Cingular Wireless PCS LLC/AT&T #121 Rte. 100 Amato dated May 13, 2010, Site Plan/Planning Board/Full EAF by Snyder & Snyder, LLP; Visual Impact Analysis and Landscape Plan dated May 2010; Prepared by VHB Engineering, Surveying & Landscape Architecture, PC, Hauppauge, NY, (#121/Rte. 100 Amato): (JM)
The Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless PCS LLC/AT&T, site plan, EAF, visual impact analysis and landscape plan at their meeting.

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 noted that the EAF appeared to be filled out correctly by the applicant.
- The Visual Impact Analysis, page 1 of the introduction under project description, it appears to be incorrect he said. It states that *AT&T would also install associated equipment . . . upon a 10ft. x 20ft. pad within the proposed compound.* He noted that one of the buildings is 30ft. across and stated that the applicants cannot put in a 20ft. foundation for a 30ft. building. The wording is incongruous he said; it should match the project.

Chairman Meixner said that the footings do not match the proposed building.

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Old Business:

E) Homeland Towers/Cingular Wireless:

The Board members discussed the information provided and decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#10-18) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Homeland Towers PCS LLC AT&T, Rte. 100 – Amato site plan, full EAF, visual impact analysis and landscape plan at their meeting on June 8, 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:

- 1) The applicant completed the Full EAF correctly.

- 2) On Visual Impact Analysis Introduction: Page 1, the applicant shows the project description as follows: *10ft. x 20ft. within the proposed compound.*
 - The proposed building is 30ft across.
 - The information submitted should match the actual proposed project (the footings do not match the proposed building). This should be amended.
 - The project description should read 10ft. x 30ft

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Old Business:

E) Homeland Towers/Cingular Wireless:

The Board members took no further action at this time.

F) Homeland Towers/Cingular Wireless PCS LLC/AT&T/Somers-Woods Bridge/#121 Rte. 100/Site Plan/Planning Board/Partial Topographic Survey SU-1/Color Constraint map, Soil Types CC1/Stormwater Pollution Prevention Plan dated March 2010, Prepared by Tectonic Engineering & Surveying Consultants, PC; Title Sheet T1/Plot Plan, List of Adjoiners & Notes Z1/Site Plan SP1/Partial Site Plan Z1A/Setback Map & Bulk Requirements Table Z2/Elevations Z4 & Z5/ Site Detail Plan Z3/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, (#121/Rte. 100): (JM)

The Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless PCS LLC/AT&T/Somers-Woods Bridge site plan, stormwater pollution prevention plan, erosion control and stormwater management at their meeting.

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:

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Old Business:

F) Homeland Towers/Cingular Wireless:

- The property is located off Rte. 100 at the Amato site, which is across from the 7/11 Store.
- Mr. Moriarty explained that on the Stormwater Pollution Prevention Plan dated March 2010, page 15 the report cuts off at page 15 letter “L” with the sentence *they shall* and then on the next page it starts with a whole new section item “I and J”. The document was not put together correctly, maybe it is missing pages he said.
- Under Silt Fencing, page 5A.20, Section 2, the applicant shows wood posts being used. Mr. Moriarty recommended that the applicant should upgrade the information to steel posts, he said. On page 5A.21 it shows the same information and that should be revised also to steel posts. Large projects of this nature should exhibit steel posts he said.
- On page 5A.18 the applicant has rebar holding straw bales in place (old drawing). He noted that what the applicants are recommending is a safety violation. They have the rebar pointing straight up without caps on them. The rebar should have caps on the top he said.
- Board member Moriarty said that there is a document called the New Tree Planting Procedure on page 3.12, however the document is not new it is 20 years old (April 1990). It does not reflect the current way to plant trees. This information should be upgraded to a drawing with current procedures, (or the applicant should delete the word “new”).

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Old Business:

F) Homeland Towers/Cingular Wireless:

- On the Erosion Control Stormwater Management Details, page Z-9, the applicant noted that *the tree protection zone should be 1ft. from radius of truck*, it probably should be “trunk” presuming it is a spelling error, the applicant should proof read the document better he said.
- On page Z-1, the applicant exhibits the distance from the tower area to the property line of the Daycare facility as approximately 440 + - ft., this number should be checked. According to the Town Code this distance should be 500ft. The applicant needs to recheck these measurements he said.
- Mr. Moriarty noted that on Map CC-1 it states clearly that there are no dwelling units, places of worship or daycare centers within 500ft. of the project. This should be corrected.

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Dr. Edward Merker inquired about the Town Code and how it is worded.

Board member Moriarty informed the Board that the Town Code states 500ft. to the property line. He explained that on section I #2 it states that *it should be at least 500ft. from any school, daycare and at least one and one half times the height from all property lines of adjoining parcels.*

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Old Business:

F) Homeland Towers/Cingular Wireless:

Board member Moriarty noted that the applicants are applying for a variance for the height requirements, but the distance from the school property line should be corrected.

Chairman Meixner clarified that this is the best the C.B. could determine from the plans submitted.

The Chair went on to say that the entrance from Rte. 100 is not commercial and the plans do not exhibit any changes to that effect. It appears to remain residential. As truck traffic will be going in and out of the parcel this should be addressed by the applicant he said. There is no commercial entrance with DOT approval on this proposed parcel. Also, he said that there should be curbing for safety purposes (as required by a commercial entranceway). The applicant should also address this feature.

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

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A memo (#10-19) 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 site plan, stormwater pollution prevention plan, details, erosion control and stormwater management, at their meeting on June 8, 2010.

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Old Business:

F) Homeland Towers/Cingular Wireless:

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) STORMWATER POLLUTION PREVENTION PLAN dated March 2010, page 15:
 - The report cuts off at the letter “L” then resumes on page 16 with letters “I and J”. The document appears to be missing pages. This needs to be corrected.

- 2) SILT FENCING – Page 5A.20/Section 2:
 - The document displays the use of wood posts.
 - These features should be upgraded to steel posts, fabric (non-plastic) with wire mesh backing.

- 3) SILT FENCING – Page 5A.21/Page 5A.18/Section 2:
 - The document displays rebar holding straw bales in place (it is an old drawing/hazardous).
 - The rebar should have caps on them.

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Old Business:

F) Homeland Towers/Cingular Wireless:

- 4) NEW TREE PLANTING PROCEDURE/Page 3.12:
 - The document is dated April 1990 and is not “new”.
 - The drawing should be upgraded to reflect current procedures or the applicant should delete the word “new”.

- 5) EROSION CONTROL STORMWATER MANAGEMENT DETAIL/Page Z9:
 - The tree protection zone states that there should be 1ft radius from “truck” (spelling error/?).
 - This should be corrected to say “trunk”.

- 6) DISTANCE FROM DAYCARE FACILITY/Page Z-1:
 - The area of activity from the property line to the tower appears to be approximately 440 ft.
 - According to the Town Code, this area from the property line to the proposed activity should exhibit 500ft.
 - The applicant should double-check the footage from the property line and amend the plans accordingly.

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Old Business:

F) Homeland Towers/Cingular Wireless:

- 7) MAP CC-1 STATES CLEARLY:
- “No dwelling units, places of worship or daycare centers within 500ft. of project.”
 - Section I #2 states 500ft. from school, daycare.
 - It appears to be 440ft. from the daycare property line. The applicant should correct the plans and information to exhibit 500ft from property line.
- 8) ENTRANCEWAY FROM RTE. 100 to the project is residential, not commercial.
- This should be a commercial entranceway with DOT approval for safety purposes. It should exhibit curbing, etc.
 - The applicant should amend the plans accordingly.

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

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The Board members took no further action at this time.

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Old Business:

**G) Open Space Committee Meeting Minutes/April 15, 2010/Page 3-4/Use of
Condos at Angle Fly Preserve/Draft Memo Town Board & Open Space
Committee/Memo #10-17: (JM)**

The Conservation Board acknowledged the fact that this item was discussed at their last meeting and it is before the Board tonight in order to exhibit the memo that was sent to the Town Board and Open Space Committee from the last meeting.

A brief discussion took place among the Board members with reference to this item and they refreshed their memory of the topic by reading the C.B. memo.

C.B. Secretary Ms. Davis explained that the memo was emailed to the various parties and the Open Space Committee Secretary sent an email back thanking us for the memo.

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A memo (#10-17) will be sent to the Town Board and Open Space Committee stating that the Conservation Board reviewed the above Open Space Committee Minutes for April 15, 2010 page three and four at their meeting on May 25, 2010.

The Board members discussed the information submitted regarding the use of the Condos at the Angle Fly Preserve, and have the following information to share with the Town Board and Open Space Committee.

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

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Old Business:

G) OSC Meeting Minutes/April 15, 2010:

- 1) Once an existing structure has been left alone for several years many factors have to be taken into consideration with regards to construction viability.
- 2) In particular mold spores that have been developed can never be adequately addressed. They are on everything including the concrete, wood and everything in the building.
- 3) The only way to salvage the situation is to remove all existing buildings/condos, as the material can never be reused.

The Conservation Board hopes that this information will prove useful to the Town Board and the Open Space Committee.

The Board members took no further action at this time.

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Old Business:

H) Administrative Review/Kristensen (from last meeting)/Steep Slope Alteration Permit/TM-26.15-1-17/repair, replace existing retaining walls in side yard, #4 Valley Drive/Katonah):

The Conservation Board discussed the above administrative application for Kristensen steep slope alteration permit to replace the existing retaining walls on their property at the meeting tonight.

To refresh the Board's memory Ms. Davis explained that this application pertained to an administrative application involving an anchor wall that was being constructed on the applicant's property.

C.B. Secretary Ms. Davis informed the Board that she contacted the Engineering department and inquired about the information that was needed at the last Board meeting. The Engineering Secretary Ms. Getting was able to obtain the information requested from Principal Engineering Technician Woelfle and she submitted it to Ms. Davis.

Ms. Davis noted that according to the Engineering department the proposed retaining walls for this application would be 4ft. high and they would replace all sections of the existing walls.

The Board members took no further action at this time.

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New Business:

- A)** Administrative Review/Team Meeting – Report for the Conservation Board meeting from Board member Hantman/Wetland Activity Permit/Administrative for Bernardo/Sketch received May 26, 2010/work includes cleaning of debris and flattening of dirt piles/TM-16.16-1-8, #148/Rte. 202): (SH)
The Conservation Board reviewed the above administrative application for Bernardo, wetland activity permit, sketch, including cleaning of debris and flattening dirt piles at their meeting tonight.

Board member Shoshana Hantman attended the Administrative Review Team meeting and did not give a comment at that time (as directed by the Chair).

Chairman Meixner had asked that this item be discussed at our regular meeting before giving our comment to the Principal Engineering Technician.

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Report:

- Chairman Meixner noted that this application is located near the bike path in Lincoln Dale.
- The Chair explained that the Principal Engineering Technician was not aware that the County is interested in pursuing the opening of the bike path in that area of town.

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New Business:

A) Administrative/Bernardo:

- Board member Hantman noted that at the Administrative Review Team meeting Mr. Woelfle explained that the applicants would like to clean up the trash and build a house on the parcel.
- Chairman Meixner informed the Board that this application is near the Plumbrook and Lincoln Avenue and the old railroad right of way.

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C.B. Secretary Ms. Davis informed the Board that this property has an existing violation on the property (probably due to the dirt piles without a permit). The EAF reflects the leveling of piles of dirt located on the property.

Board member Dr. Edward Merker noted that a portion of that trailway happens to go through the Willows property. He mentioned that the railroad right of way by the City of New York that goes from Goldens Bridge to Baldwin Place has been expired. This is also the same right of way that travels through JFK High School.

After some discussion by the Board Dr. Merker explained that Westchester County has maps that demonstrate a proposed potential trail on that parcel of property.

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New Business:

A) Administrative/Bernardo:

The Chair suggested that the applicant not spread the dirt piles on the existing trail that transverses the property. Also, the potential future house site should not be located near the old railroad right of way.

Board member Hantman advised that the easement in the deed should be noted in the bill of sale for that property.

Chairman Meixner mentioned that he spoke to the Town Planner Hull regarding this potential right of way and the interests of the County. He went on to say that Mr. Woelfle should speak to the County Planning Department regarding the proposed right of way in this area.

Dr. Edward Merker advised that Steve should call Mr. Herbert Lucas (995-2085) of the County Planning Department to find out the intentions of the County with regards to the old railroad right of way in this area of town.

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A memo (#10-22) will be sent to the Principal Engineering Technician stating that the Conservation Board reviewed the above administrative application for Bernardo wetland activity permit and sketch at their meeting on June 8, 2010.

The Board members reviewed the materials submitted including a report from the administrative review team meeting and discussed the application among them.

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New Business:

A) Administrative/Bernardo:

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

- 1) The applicant should be careful while grading the property with the piles of dirt to avoid altering or impacting the original Railroad right of way, which travels through the applicant's property.

- 2) In the future if the applicant plans on building a house on this property it should not be in the area of the old Railroad right of way.

- 3) Principal Engineer Technician, Steve Woelfle should contact the County Planning Department (Herbert Lucas, 914-995-2085) regarding the proposed bike trail in that area of town.

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The Board members took no further action at this time.

**B) Administrative Review/Team Meeting – Report for the Conservation Board meeting from Board member Hantman/Wetland Activity Permit/Administrative for Mladenovic/Sketch on Survey of Property received May 20, 2010/work is required for footing drain around house/TM-36.11-1-6, (#9 Mahopac Avenue/by Amawalk Post Office):
(SH)**

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New Business:

B) Administrative/Mladenovic:

The Conservation Board reviewed the above administrative application for Mladenovic, wetland activity permit, sketch on survey of property and footing drain around the house at their meeting tonight.

Board member Shoshana Hantman attended the Administrative Review Team meeting and reported back to the Board.

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Report:

- Ms. Hantman reported that the applicant is applying for a wetland permit in order to put in a footing drain in the front and back of the dwelling.
- The footing drain will attach to a pipe (grand drain) and daylight into a stream, which is 70ft. to 80ft. into the wetland.

Board member Hantman inquired about the word day lighting.

Mr. Moriarty explained that day lighting is finding the elevation of the basement floor (or where ever the pipe is coming from) and finding day light down hill (gravity) in order to empty the water from the footing drain.

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New Business:

B) Administrative/Mladenovic:

Board member Merker inquired about the nature of the water that is being drained and asked if it was fresh water.

Mr. Moriarty responded that it appeared to be fresh water.

Chairman Meixner noted that the applicant has a violation on the property because the work was undertaken without a permit.

Dr. Merker asked if this project was done recently or a while ago.

Chairman Meixner responded that to his knowledge it was installed rather recently. He explained that he reviewed the file in the Engineering department and there were several violations and pictures in the file, however, that information was not given to the C.B.

C.B. Secretary Ms. Davis said that the paperwork also showed the replacement of two septic tanks and there was something about a raingarden. It also said that the applicants were going to dig around the house for waterproofing and insulation.

Dr. Merker asked what the applicant is draining.

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New Business:

B) Administrative/Mladenovic:

Board member Moriarty responded that it appears the applicants are draining the perimeter of the basement.

Chairman Meixner said that the applicant cleared his back yard including the trees and that was all part of the violation that he received. He said that the C.B. would like to see the before and after aerial photos.

Dr. Merker said that what they are having applicants do now is make a downspout drain that empties into ponds and infiltrators. Is that what they are doing here he asked?

Chairman Meixner responded that it is not that large an area.

Discussion ensued among the Board members with reference to this project and the existing violations.

Board member Hantman asked if she could go to the site and see what work has been done.

Chairman Meixner responded that she could.

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New Business:

B) Administrative/Mladenovic:

Ms. Hantman asked if she needed any identification.

Ms. Davis responded that she has Conservation Board I.D. cards and she would deliver them to her at her earliest convenience.

The Board members decided to send a memo to the Principal Engineering Technician requesting before and after aerial photos and inquiring about the quality of the water that is emptying into the wetlands.

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A memo (#10-23) will be sent to the Principal Engineering Technician stating that the Conservation Board reviewed the above administrative application for Mladenovic wetland activity permit and sketch on survey of property at their meeting on June 8, 2010.

The Board members reviewed the materials submitted including a report from the administrative review team meeting and discussed the application among them.

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

- 1) The Conservation Board would like to see the before and after aerial photos taken of the subject property at our next meeting (June 22).

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New Business:

B) Administrative/Mladenovic:

- 2) The Board would like to ensure that the water being sent via pipe into the nearby stream is only carrying rainwater from the applicant's property.

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The Board members took no further action at this time.

C) Interpretation of Town Code/Discussion Homeland Towers/Conservation Board: (JM)

The Conservation Board discussed the interpretation of Town Code with reference to the Homeland Towers application proposed for #121 Rte. 100/Amato.

Board member James Moriarty explained that it is usually difficult to get one variance, but to be allowed three or four variances without the applicant showing that it is a proven hardship is not a good thing for the Town. Usually a variance is granted in an emergency situation (or a proven hardship) however, that is not the case with the Homeland Towers application.

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New Business:

C) Interpretation/Town Code:

Mr. Moriarty noted that this applicant is in effect varying from the Code to suit their purposes when it is not absolutely necessary for them to have four variances and not in our best interests for them to avoid the Code. We might ask ourselves why have a Code if anyone can apply and get any variance they want regardless of the necessity. Basically, the Town Code has been nullified by the actions of this applicant.

The applicant is requesting the following:

- 1) A height variance.
- 2) A side yard variance, (1.5 times the height from property line).
- 3) A rear yard variance.
- 4) A 500-ft. from school variance, (they measure it at 440ft.+ or -).

It appears that three of these variances are not necessary for the applicant to proceed with their project he said. On top of all of these Code variances is the fact that the structure is located in a steep slope area and they need a permit to continue their project in the slope area.

Mr. Moriarty said that with four variances it does not make much sense for this thing to be given the go ahead.

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New Business:

C) Interpretation/Town Code:

Chairman Meixner agreed and mentioned that this application if approved is going to set precedence for future applicants to also avoid following the Town Code, which nullifies what we are trying to preserve.

Board member Moriarty said that we are all going through the motions of trying to protect the town and keep it the way it is, to look nice, but this application with four variances goes against what we are trying to accomplish. In an emergency situation, a variance could be granted, but there is no need or emergency for four variances he said.

Chairman Meixner agreed and noted that the applicant has plenty of room and does not need to obtain all of these variances to construct the cell tower.

Dr. Merker said that from an esthetic point of view he has seen a set up with a barn, equipment and a silo (in other locations), which would look much better in this type of environment (on a farm).

The Board members discussed the pros and cons of denying this application and whether or not it would be feasible for the C.B. to deny this application based on its blatant contradiction to Town Code.

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New Business:

C) Interpretation/Town Code:

Chairman Meixner noted that the application was located in the steep slopes and that is the Conservation Board purview. If that is coupled with the disregard for the Town Code then it appears that the Board does have the ability to consider denial.

Dr. Merker said that the C.B. could only consider denying this application because of the steep slopes or an environmental issue.

After much discussion on the matter the Board members decided to write a memo to the Zoning Board stating their recommendations and concerns with this application. They decided to write the memo under New Business item "E".

D) Notice of SEQR Action/North End at Somers, LLC/Designation of Lead Agency/Disc for Conservation Board review: (EM)

The Conservation Board will review the Notice of SEQR Action on North End at Somers, LLC, designation of lead agency and the disc provided at the next meeting.

Board member Dr. Edward Merker will review the information provided and the disc and give a report to the Board.

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New Business:

D) SEQR Action/North End:

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

E) Homeland Towers/Cingular Wireless PCS LLC/AT&T #121 Rte. 100 Amato, dated May 2010, Site Plan/Zoning Board/height variance, rear yard variance, site yard variance/Title Sheet – T1/Plot Plan, List of Adjoiners & Notes – Z1/Siet 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 & Snyder, LLP, (#121 Rte. 100/Amato property): (JM)

The Conservation Board will review the above Zoning Board application for Homeland Towers/Cingular Wireless PCS LLC/AT&T located at #121 Rte. 100, Amato at their next meeting.

The Board members discussed the Town Code under item “C” New Business, this document and decided to send a preliminary memo to the Zoning Board stating their concerns.

Chairman Meixner asked that the Building Inspector be copied on the memo that is being sent to the Zoning Board.

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New Business:

E) Homeland Towers/Cingular Wireless:

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A memo (#10-20) will be sent to the Zoning Board stating that the Conservation Board performed a preliminary review of the above Planning Board application for Homeland Towers/Cingular Wireless site plan, height variance, rear yard variance and side yard variance, at their meeting on April 8, 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:

- 1) The Board has concerns about the number of variances this project is applying for at this time, especially in light of the fact that the proposal is located on steep slopes and requires a permit for that activity.

- 2) In addition, the project happens to be located in the proximity of and adjacent to a Nursery School.
 - The proposed area of activity would impact the Nursery as it calls for the property line to be 440ft from the Nursery property line and the Town Code clearly states 500ft.

- 3) The applicant has the ability to be within Town Code.
 - Therefore, the applicant should need only one variance.

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New Business:

E) Homeland Towers/Cingular Wireless:

The Conservation Board will continue to review the above Zoning Board application for Homeland Towers/Cingular Wireless PCS LLC as revisions become available.

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Board member James Moriarty will review the materials submitted and give a report to the Board.

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

There being no further business to discuss, a motion to adjourn was made at 9:45 PM by Board member Dr. Edward Merker and seconded by Board member James Moriarty. All members present approved.

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The next regular meeting of the Conservation Board will be held at the Town House on June 22, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 13, 2010 and July 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