TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JULY 27, 2010

The July 13, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: None

Guests: None

Announcements:

The Conservation Board welcomed new member Michael J. La Gue.

Announcements:

Dr. Michael Rubbo had a tentative date to speak with the C.B. at their meeting on August 10, 2010 regarding Teatown's Environmental Leaders leaning Alliance Program/ELLA.

Approval of Minutes:

A motion was made by Dr. Edward Merker and seconded by James Moriarty to approve the minutes of the July 13, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of July 13, 2010 on pages 17, 18 and 21.

Board member Dr. Edward Merker discussed amending the Conservation Board Minutes of July 13, 2010 on page 10.

Old Business:

A) Town Board/C.B. vacancies/appointments to the Conservation Board/welcome new member(s):
C.B. Secretary Ms. Davis mentioned the recent appointments to the Conservation Board at the meeting. She specified that three new members had been appointed by the Town Board to serve on the Conservation Board. Mr. La Gue was sworn in by Town Clerk Pacella with enough lead-time to attend the meeting tonight.

Old Business:

A) Town Board/C.B. vacancies:

Ms. Davis introduced the new C.B. member Mr. Michael J. La Gue to the Conservation Board.

The Board members introduced themselves to Mr. La Gue and welcomed him to the Board. They asked him questions pertaining to his expertise and he responded that he was involved in his own business concerning landscape design.

Ms. Davis noted that there was another member appointed by the Town Board Eric H. Evans. He is an attorney who happens to be involved with Engineering and can read plans. Mr. Evans has just been sworn in and was not able to attend the meeting tonight she said.

She went on to say that the Town Board also appointed Mr. John Purcell to the Conservation Board, but to date he has not responded to phone calls made by the Town Clerk. She expressed the possibility that he might be on vacation.

The Board members took no further action at this time.

Old Business:

B) Site Inspection/Conservation Board/Site Inspection at #213 Rte. 100; an administrative application; a large number of trees have been cut down on steep slopes; CB memo #10-16; visit to Engineering office; report on status of this activity; waiting on response from the Principal Engineering Technician, S. Woelfle/Update-email 7-21, requesting plans including the architectural rendering, 2-car garage plans A-1 & A-2; Northern Westchester Civil Engineering PC, *(#213 Rte. 100/North of Plumbrook Road/South of Reservoir)*: (GM/RD)
The Conservation Board members discussed the above application located at #213 Rte. 100 with regards to the removal of rock and trees and the proposed activity by the applicant.

C.B. Secretary Ms. Davis advised that she was able to borrow the architectural plans from the Principal Engineering Technician Steve Woelfle so that the members could review the layout of the proposed activity.

Board member Michael La Gue commented that he was familiar with the site and noted that the former owner took out a significant amount of bedrock a long time ago. He advised that there were two sheds there formerly with no electric or water.

Board member Dr. Merker mentioned that he just drove by that site and it looked like the applicant was removing some boulders from the area.

Chairman Gary Meixner inquired about the nature of this application and whether or not it was administrative.

Old Business:

B) Site Inspection/#213 Rte. 100:

Ms. Davis said that she had never seen this application before, however, it did not go before the Planning Board, so therefore it is probably administrative in nature.

Mr. La Gue asked the Board to explain the phrase administrative application and Chairman Meixner obliged.

Discussion ensued among the Board members with reference to the status of this administrative application. They reviewed the architectural plans submitted to the Board by the Principal Engineering Technician.

The Board members discussed the fact that they could not find any source of electricity to the building.

Board member James Moriarty pointed out that according to the plans provided there was a power source as there was a carbon monoxide and smoke detector and they required electricity.

Dr. Merker noted that there was a second floor on the building.

Mr. LaGue mentioned that it looked like there is going to be a bridge to the second floor. The building is very deep, about 25 ft. he said.

Old Business:

B) Site Inspection/#213 Rte. 100:

Dr. Merker was wondering if the applicant was going to chop through the rock in order to create this "bridge".

Discussion ensued among the Board members with reference to the grade and the "bridge" to the second floor.

Board member Merker referenced the fact that the C.B. has very little input on this application as presented. He noted that it does not effect the steep slopes on the site, the rest of the lot is flat, however it is relatively close to the reservoir so there might be the potential of wetland issues and drainage.

Chairman Meixner said that he did not think the application was close enough to the reservoir to cause any problems with relation to wetland issues. However, he said that they could not see what is on the rear portion of the property, there might be wetlands up there.

Board member Shoshana Hantman noted that anything behind the building is approximately 40 ft. higher, so there might not be any wetlands.

Chairman Meixner commented that there are numerous springs and streams running through that area and down to the reservoir.

Old Business:

B) Site Inspection/#213 Rte. 100:

C.B. Secretary Ms. Davis said that the Board reviewed an application that was located somewhere above this site that had a lot of problems with flooding and water runoff on the neighboring property.

Board member Dr. Merker noted that there is mention of tile work, tub and shower walls on the plans submitted.

Mr. Moriarty noted that the comments could be standard on all applications.

Chairman Meixner said that the comment section states that there is a shower and tub, would there be a bathroom?

Mr. Moriarty said that it looked like an oil fired hot water system.

Dr. Merker advised that the plans say “gas” fired hot water system.

Chairman Meixner asked if there would be a septic system hooked into this building.

Old Business:

B) Site Inspection/#213 Rte. 100:

Dr. Merker mentioned that there is a stormwater system noted on the plans.

Chairman Meixner specified that the DEC should be an interested party as they are an adjoining property owner.

Ms. Davis asked to be given the date on the plans submitted.

The Chair responded May 25, 2010. He went on to say that the plans show a heating system, water, tub, and shower and the applicants would need to have some type of septic system hooked up to the building.

Dr. Merker commented that the Board should find out if these items and descriptions are an oversight.

Mr. Moriarty advised that normally with a standard set of plans the applicant's engineer would put a line through each item that they area not doing. They might do a cross-out line on the entire set of plans if they do not want to take it out.

Chairman Meixner said that it is not showing a septic system, etc., but the features we are discussing are mentioned.

Old Business:

B) Site Inspection/#213 Rte. 100:

Dr. Merker said that it is not showing a tub, but there is a description about the tile work for the tub.

C.B. Secretary Ms. Davis said that she does not remember this administrative application coming before the Board. She asked if the Chair would like her to email Dr. Lapetina (former member who was looking at the administrative applications) and ask him if he remembered looking at these plans.

Chairman Meixner said that she could ask, but he doubts that Frank was around when this application came before them. He suggested emailing Steve Woelfle to find out why these notes are on the plans.

The Board members took no further action at this time.

C) Projector & Screen Procedure/Report/regarding procedure and use of the Library, projector and screen on a meeting night (Tuesday at the Library): (RD)
C.B. Secretary Ms. Davis explained that this item was carried over from the last meeting when she was asked to find out the procedure for borrowing the projector from the Library. She reminded the Board that they wanted to know if they could meet at the Library and what would be the procedure at that location.

Old Business:

C) Projector/Library:

Ms. Davis said that she spoke to Ms. Margaret Widman and was told that she would have to fill out an application a week before (usually there is a check for a $100.00 fee involved, but the Library would try to waive that for the C.B.). As the Library closes at 6 PM on Tuesday, that person would need a key and code that could be obtained the day before she said. The person in charge would have to find out how to set the code for the alarm and then place the key in the book drop for the next day.

However, Ms. Davis noted that they asked her to take the projector home and return it the next day as the Board would be responsible for that piece of equipment and they did not want it stolen.

Chairman Meixner suggested that the projector could be locked in the Town House for the night.

Ms. Davis said that since she would be responsible for it she would prefer to not leave the projector anywhere until the next day when it could be returned. She reminded Gary that many people have the key to the Town House and there is no form of security, noting that she would not want to be held accountable for the projector.

Ms. Davis said that originally the Library said that the Board could borrow the projector, she could sign it out and bring it to the Town House and use the screen here. If we have the meeting at the Library she said then it becomes more involved than just borrowing the projector.

Old Business:

C) Projector/Library:

Dr. Merker asked if the Library is open late one night.

Ms. Davis said that she wrote down the hours of the Library, but did not bring the information with her tonight. She explained that even if it were to be open when they arrive, it would not be open when they leave, so the process would remain the same.

Board member Merker explained to the new member Mr. La Gue that the reason they are looking into this matter is because they are getting CD's that need to be reviewed by the Board and a projector and screen would be most helpful for that endeavor.

Board member Hantman asked if they could use a laptop.

Dr. Merker responded that they could, but it would be more effective with a screen and projector.

Ms. Davis explained that the Library use to have late hours, but due to the recession there hours of operation have changed.

Dr. Merker advised that he could bring his laptop to the meeting.

Old Business:

C) Projector/Library:

Ms. Davis said that she too had a laptop that could be brought to the meeting, if necessary.

The Board members took no further action at this time.

D) 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 reviewed the above Planning Board application for Sussmann Mobil Station site plan, erosion control and stormwater pollution prevention plan at their meeting.

Chairman Gary Meixner reviewed the materials submitted, visited the site and spoke to the owner and gave a report to the Board.

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Report:

- Chairman Meixner informed the Board of the location of this site, which is on Rte. 100 just after the state police barracks.

Old Business:

D) Sussmann Mobil Station/Site Plan:

- The Chair explained to the new member that the applicants are proposing to expand the convenience store and make it larger. At the same time, they have decided to put the office for the building in the basement, which was a fairly recent decision and they have to revise the plans accordingly.

- He noted that there was a basement proposed originally, but there was no office proposed to be located there. He specified that with the use of the basement for office space it changes the nature of the application.

- The Chair informed the Board members that he spoke to one of the owners and she informed him that they are awaiting approval from the DEC (State) regarding the fact that the site is clear and free from pollutants in the "vapor shed" that processes these substances.

- He explained that the owners inherited the pollution problem from the former owners and they have been dealing with it for many years and now the tests are coming back clear. He noted that it was very costly, especially due to the need for electricity, which is used 24/7.

- The Chair informed the Board that the applicant has agreed to change their erosion control and implement steel stakes, with wire mesh backing and filter fabric overlay (as requested by the C.B.).

Old Business:

D) Sussmann Mobil Station/Site Plan:

C.B. Secretary Ms. Davis said that she contacted Town Planner Hull as requested and asked her if the site needed a variance. She was told that the need for a variance has not been determined.

Ms. Davis said that she asked Ms. Hull about the basement office and was told that they are still before the Planning Board and they are waiting for the plans that depict the basement space.

- Chairman Meixner noted that he brought the plans for the Board to review tonight. He mentioned that presently the office is located upstairs in the building.

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C.B. Secretary Ms. Davis inquired about the plans showing the basement office.

Board member La Gue read from the plans that read a one and one half-story building to be removed. He questioned the removal.

Old Business:

D) Sussmann Mobil Station/Site Plan:

Dr. Merker explained that the applicants are making the building larger and putting in a convenience store.

After looking at the plans provided the Board determined that there was a basement formerly, but there was not an office proposed to be located there.

Board member Moriarty said that if the applicants were excavating for a basement then the entire site would be disturbed during the process.

Chairman Meixner said that the Board would need to see the revised plans with the basement office included.

The Board members took no further action at this time.

E) 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, *(#197 Tomahawk Street/Rte. 118)*: (JM)
The Conservation Board reviewed the above Planning Board application for Mitchell Subdivision site plan, site drainage, erosion control and stormwater management at their meeting.

Old Business:

E) Mitchell Subdivision/Site Plan:

Board member James Moriarty reviewed the plans submitted, performed a site inspection of the property and gave a report to the Board at the last meeting.

The Board tabled this item at the last meeting due to the lack of a quorum and the need for more discussion and possibly some action.

C.B. Secretary Ms. Davis asked the Board if they would like a brief update on the report (from the last meeting) so that they could decide what they wanted to do.

Chairman Meixner responded in the affirmative.

Ms. Davis reiterated that the report at the last meeting included comments made by Board member Moriarty that stated the application involves an existing house, pool and garage that will be demolished. The applicant is proposing to build a four-house subdivision located on seven acres of property in an R-40 zone (1-acre).

She noted that the report reflected that there are many spelling errors on the plan. The use of burlap has been eliminated however there is mention of burlap later in the application. The applicant proposed wood stakes, but should employ steel stakes with welded wire mesh backing and filter fabric overlay. There was an item that needed clarity because of confusion in terms.

Old Business:

E) Mitchell Subdivision/Site Plan:

Ms. Davis reiterated that the Board did not get the photos that were mentioned in the plans submitted. The documentation submitted noted that the Planning Board determined the EAF to be acceptable however, the Board did not think that should be part of the applicant's application.

The notes reflected that the proposed driveway for lot #4 is excessively long (approximately 1000 ft.) she said. The Chair commented that there might be traffic issues due to the proximity of the nearby park. He also said that the applicant should consider the elimination of lot #4 due to the proposed impact on the steep slopes and wetlands as well as the disturbance that would be caused by the construction of the driveway.

Board member Merker inquired about the wetland and steep slope map.

Ms. Davis located the plans for him. She concluded the report saying that discussion ensued among the Board members with reference to the applications limitations including road frontage and the creation of a subdivision on what was formerly a long narrow lot.

The Board discussed the viability of lot #4 on the plans submitted. They noted that the lot is created within a steep slope area and the house is located entirely within the steep slope area.

Old Business:

E) Mitchell Subdivision/Site Plan:

Board member La Gue advised that the plans reflect that the steep slopes are proposed to be modified according to the markings on the plan.

The Board members further discussed the application with reference to the environmental disturbances and the action that should be proposed by the Board.

Dr. Merker mentioned that the plan included soil types and asked if anyone was familiar with these factors.

Board member La Gue said that he is familiar with soil types, however there would need to be a code on the plans submitted.

Mr. Moriarty commented that there was some codes on the other sheets provided as well as the perk tests for the parcels.

Ms. Hantman remarked that she was at Koegel Park and approached a wire fence on a hillside mentioning that beyond the fence, at the bottom of the hill she saw evidence of a bike trail.

Board member La Gue responded that the bike trail goes in back of Koegel Park heading north to Baldwin Place.

Old Business:

E) Mitchell Subdivision/Site Plan:

Dr. Merker agreed.

Chairman Meixner said that the soil that they were looking at was called sandy loam.

The Board members discussed the soils types and septic locations for the proposed lots on this parcel. They discussed writing a memo to the Planning Board considering a denial of this application due to the impact on the environment.

Board member La Gue said that it appears that when they are finished with lot #4 there will be additional contouring that would make the steep slopes even steeper then the original slope.

The Board members discussed the front and back yards of the house on lot #4 and had some difficulty determining which way the house was actually facing. They also reviewed the drainage problems associated with this development.

After careful review by the Board both at this meeting and the meeting held on July 13, 2010 the members decided to deny this application based on the development impacting the steep slopes (house) and (driveway) as well as the associated construction activity. The runoff from this development could potentially impact the nearby wetlands, residents and Town Park.

Old Business:

E) Mitchell Subdivision/Site Plan:

Chairman Meixner said that he would like to see more information on the adjoining properties so that the Board could make a more knowledgeable determination. He thought that the water and runoff from this property would eventually end up in Lake Shenorock. He inquired about the parcels having wells on them.

Board member Moriarty said that individual wells were proposed for this subdivision.

Chairman Meixner and Board member La Gue further discussed the location of the house and the direction the house is facing along with tree removal and contouring.

Board member Hantman inquired about the tree removal on the steep slopes, which she commented is not recommended due to erosion concerns.

Mr. La Gue responded that it appears that the applicant is going to remove approximately ten large trees from the steep slopes.

The Board members decided to write a memo to the Planning Board stating their concerns and recommendations. They also voted to unanimously deny this application as submitted.

Old Business:

E) Mitchell Subdivision/Site Plan:

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A memo (#10-28) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Mitchell Subdivision, site plan, preliminary subdivision plat and construction drawings, erosion control plan, road profile, site drainage details and stormwater management details at their meeting on July 27, 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) After review and consideration, the Conservation Board at their meeting on July 27 unanimously voted to deny this subdivision application as proposed by the applicant.

- The decision was made based on a careful review and discussion regarding the numerous environmental constraints on the parcel.
- Items that would have to be addressed by the applicant for the Board.
- The Board members are not in favor of a four-lot subdivision on this parcel of property.
- The combined associated impacts due to tree removal, steep slopes, wetlands, contouring, stormwater management and the proposed long driveway with associated clearing contribute to the primary reasons for denial.

Old Business:

E) Mitchell Subdivision/Site Plan:

For further consideration, the C.B. recommends the following:

2) The Board strongly advises the applicant to eliminate lot #4 from the proposed subdivision plan due to the environmental constraints.

3) The Board requests that the applicant exhibit where the runoff from this application is going to impact and where ultimately this water is draining.

4) The Board requests that the applicant provide information on the adjoining properties and dwellings along with the topographical markings on the plans to be revised and submitted.

5) The applicant proposes wood stakes on their plans.

- The applicant should employ steel stakes with welded wire mesh backing and filter fabric overlay.

6) The Board members are also concerned about the proposed road frontage for the lots (in particular lot #4) and the creation of subdivision from a long narrow one-lot (with associated road frontage) parcel of property.

Old Business:

E) Mitchell Subdivision/Site Plan:

7) There are numerous spelling errors on STD-1 they should be corrected.

The Conservation Board will continue to review the application for Mitchell Subdivision as revisions are submitted.

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Board member Michael La Gue had some questions pertaining to what would be the next step in the process.

Dr. Merker explained the process to Mr. La Gue and informed him of the need for the Planning Board to vote a super majority in order to negate the Conservation Board denial of an application and proceed. He further advised that if the Planning Board did not decide to vote a super majority to the C.B. denial then the applicant would have to entertain another site plan and resubmit the application.

The Board members took no further action at this time.

Old Business:

F) 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 reviewed the above Planning Board application for Kauffman wetland activity permit, site plan, soil and constraints map and pool plan at their meeting tonight.

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

The Board tabled this item at the last meeting due to the lack of a quorum and the need for more discussion and possibly some action on the part of the Board members.

Board member Moriarty gave the members a brief update on the report so that they could decide what they wanted to do.

Mr. Moriarty exhibited the plans and explained where the features are located including the pool, deck and wetland buffer zone. He said that the proposed pool is located completely within the wetland buffer zone.

The Chair gave an example of how a pool was moved closer to the house by the applicant due to the location of the wetland buffer area.

Old Business:

F) Kauffman/Wetland Activity Permit:

Board member Merker said that there was a pool in Primrose Farms where a section of the deck for the pool was located in the wetland buffer and additional plantings were incorporated by the applicant.

Board member Moriarty continued his brief report stating that there will be massive excavation for infiltrators to the pool and storage. Also, he said that the steep slopes and wetlands were in close proximity.

Chairman Meixner pointed out the septic fields on the property and noted that the pool could not be relocated in that area.

Mr. Moriarty showed the location of the steep slopes and wetland buffer area.

Board member La Gue inquired about the wetland.

Dr. Merker explained to Mr. La Gue that the wetland is considered the area where the stream is located.

Discussion ensued among the Board members with reference to the application and they decided to deny the wetland activity permit due to the entire pool being located in the wetland buffer and other associated significant environmental constraints.

Old Business:

F) Kauffman/Wetland Activity Permit:

The Board decided to write a memo to the Planning Board stating that that they recommend denial on the application due to the environmental constraints.

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A memo (#10-29) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Kauffman wetland activity permit, site plan and pool plan at their meeting on July 27, 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 Conservation Board voted unanimously to deny this wetland activity permit application as proposed by the applicant.

   - The entire pool is proposed to be located in the wetland buffer zone.
   - The Board members are concerned with the potential impacts to the wetland, wetland buffer and steep slopes from the construction activity.

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The Board members took no further action at this time.

Old Business:

G) CD/Acting Commissioner Edward Burroughs letter dated 6-30-10/re: *Flooding & Land Use Planning-A Guidance Document for Municipal Officials and Planners*: (EM)
The Conservation Board tabled discussion of the above matter concerning a CD on Flooding and Land use Planning until the next Board meeting.

Board member Dr. Edward Merker will review the materials submitted and give a report to the Board.

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

H) Homeland Towers/Cingular Wireless PCS, LLC/AT&T #121 /Rte. 100 Amato, Site Plan/Planning Board; (CB/misreading Site Plan w/regards to setbacks, letter dated 7-2-10, pg. 1); Additional Photo Simulations; Letter from VHB dated 7-1-10; Line of Visual Cross-Section from Rte. 100 near 7-11; Letter from VHB dated 7-1-10 w/photo, revised; EAF/revised, change access drive; Stormwater Pollution Prevention Plan/revised 7-10; Sabre Tree-pole Design Drawing, Concealment Pole Information; Painting Colors; DEC Response Letter; *(Pending FCC violation/over 150 days, action required by 9-6-10);* L-1 Landscape Plan 5-10-10; T-1 Title Sheet; Z-1 Plot Plan List of Adjoiners, Notes; SP-1 Site Plan; Z-1A Partial Site Plan; Z-2 Setback Map & Bulk Requirements Table; Z-3 Site Detail Plan; Z-4, 5 Elevations; Z-6 Equipment Details-Notes; Z-7 AT&T Equipment, Details; Z-8/Z-8A Erosion Control-Stormwater Management Map; Z-9 Erosion Control-Stormwater Management Details; E-1 One-Line Diagram-Details; E-2 Grounding Plan, Details-notes; Prepared by Snyder & Snyder, LLP, *(#121 Rte. 100/Amato property)*: (JM)

Old Business:

H) Homeland Towers/Cingular Wireless:

The Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless PCS LLC/AT&T, #121 Rte. 100 site plan, landscape plan, erosion control and stormwater management at their meeting tonight.

Board member Dr. Edward Merker informed the new member that the Amato property on Rte. 100 is the site where the proposed cell tower is to be located.

Ms. Davis informed the Board that she emailed Town Planner Hull and asked her, *would she happen to know why the applicant for the above application before the Planning Board and Zoning Board believes that the C.B. is incorrect in their measurement between the cell tower facility and the nursery school property line?*

Ms. Davis explained that Town Planner Hull responded that, *the code requires distance from a building, not a property line.*

She mentioned that she also emailed the Town Attorney to see what he would say about the matter, but he has not responded to date.

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

Old Business:

H) Homeland Towers/Cingular Wireless:

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Report:

- Mr. Moriarty informed the Board that the applicant revised the silt fencing to reflect the recommendations of the Conservation Board (i.e. steel stakes, welded wire mesh and filter fabric overlay).

- Board member Moriarty said that concerning the safety issues having to do with the end caps missing on the rebar (where the hay was strewn) the applicants have agreed to cap them with a cover (for safety purposes/as per C.B. memo).

- He advised the Board that the applicants have also amended the typos on the documents submitted.

- Mr. Moriarty said that some of the materials that the applicant used do not match each other, there are discrepancies. For example, figure 3.1 in the Techtonic Stormwater Pollution Prevention Plan, page 3.12 shows a tree planting procedure, but it is different then what is shown on drawing L-1. The applicant needs to decide what they are doing and correct one or the other.

Dr. Merker inquired about the discrepancy and was wondering which was a better procedure.

Old Business:

H) Homeland Towers/Cingular Wireless:

- Board member Moriarty said that definitely drawing L-1 is the better plan. He noted that it has more details, etc.

Board member La Gue said that relative to planting the new trees that are approved for the site with modern technology they are using belts to tie them in rather than wood stakes to keep them erect. He explained that you anchor them in and then you belt the ball, creating an invisible appearance.

- Mr. Moriarty noted that on page Z-2 on the full set of drawings, the note says, *the location of the proposed monopole is greater than 500 ft. of the nearest property line, of any school, daycare center, camp, public park, playground, recreation area or other area where children congregate.*

- He said that the Town Code 170-129.7 telecommunications, letter (I) item 1) d, states that *the minimum distance requirements for a wireless telecommunication facility shall be at least 500 ft. from any dwelling unit, school, place of worship or daycare facility.*

- Board member Moriarty said that the discrepancy comes from the interpretation of the word facility.

Dr. Merker said that he would think it would mean from the antenna and was wondering how far the antenna is to the property line.

Old Business:

H) Homeland Towers/Cingular Wireless:

- Mr. Moriarty said that he would consider any part of the construction activity the facility, including the power lines, electric wiring, and utility poles, etc. The applicants are probably going by the location of the monopole, which in that case the distance is 582 ft.

- On page Z-3 there are numerous typos said Mr. Moriarty.

- On page Z-9, detail #9 the applicant has corrected the steel post detail to reflect the Conservation Board request.

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Chairman Meixner inquired about the electric lines and was wondering if they were all going underground.

Board member Moriarty said that they were mixed some underground and some above ground.

Board member La Gue inquired about restrictions on wires underground.

Old Business:

H) Homeland Towers/Cingular Wireless:

The Chair said that they probably have to adhere to State code with regards to that activity.

Chairman Meixner commented that he is concerned about the entrance to the facility being residential. He would like the applicant to address the DOT with reference to making the entranceway commercial.

Discussion ensued among the Board members with reference to this application. They were content with the changes that the applicant has employed, however, Chairman Meixner would like them to address the driveway issue and whether or not it would be commercial (due to traffic concerns).

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A memo (#10-30) should be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for 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 original driveway for this application continues to be residential (existing).

Old Business:

H) Homeland Towers/Cingular Wireless:

- The Board recommends the use of a commercial driveway for this facility.

2) The Board would like to know if a commercial driveway would be installed for use by the cell tower facility.

The Conservation Board will continue to review the above site plan for Homeland Towers/Cingular Wireless PCS LLC as revisions are submitted.

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The Board members took no further action at this time.

New Business:

A) Budget Sheets/email from B. Sherry, Supervisor's office/*Town of Somers Budget Worksheet 2011*/six completed copies needed by August 27, 2010:
C.B. Secretary Ms. Davis announced to the Board that the budget request for next year needs to be filled out. She noted that the Finance Department needs six copies when completed.

New Business:

A) Budget Sheets/C.B. 2011:

Ms. Davis informed the Board that the Conservation Board budget for 2011, according to the Town Board should be a replica of that which was approved by them in 2009 for 2010. Therefore, she said there will be no changes since last year.

Ms. Davis advised that she would be working on filling out the sheets that have been provided by the Supervisor's office.

The Board members took no further action at this time.

B) Discussion/Email from Michael Barnhart dated 7-21-10/re: Dr. Michael Rubbo from Teatown Lake Reservation/attendance at C.B. meeting August 10, 2010 at 8PM to discuss Environmental Leaders Learning Alliance Program/ELLA:
C.B. Secretary Ms. Davis informed the Board members that Mr. Barnhart and Dr. Rubbo emailed her regarding the above discussion to take place at the C.B. meeting. She asked them what date they were interested in and they replied as soon as possible.

Ms. Davis specified that both parties returned an email to her stating that they would be able to attend the meeting on August 10 at 8 PM.

New Business:

B) Discussion/ELLA meeting:

Discussion ensued among the Board members with reference to who would be available on that date.

Board member Merker inquired about his email to Ms. Davis.

She responded that she did receive his email and put the item on the C.B. Agenda for discussion by the Board.

Ms. Davis explained that she told Mr. Barnhart and Dr. Rubbo when the Board meetings would take place and explained that they could not attend the meeting tonight. They decided that they could do August 10. She thought that the Board should decide when they want them to come to the meeting.

Chairman Meixner said that they should attend the meeting on September 14. He noted that this would be preferable due to vacations, etc.

Dr. Merker informed the new member that the Environmental Leaders Learning Alliance (ELLA) was located at Teatown. He specified that both he and Dr. Lapetina attended class there. He went on to explain that ELLA has received grants to teach lay people on Conservation Boards, Planning Boards, and Wetland Boards, etc. how to review issues. He mentioned that they teach students how to read blueprints, wetland recognition, etc. and it is very helpful.

New Business:

B) Discussion/ELLA meeting:

Mr. Moriarty commented that vernal pools were considered an important issue for a while, but it does not seem to be showing up anywhere.

Dr. Merker agreed and said that vernal pools are part of it and also, when you are looking at a project you have to observe what is adjacent to the project and look at the entire area to see what is best.

Board member Merker went on to say that one of the problems with the whole process is that the Planning Board, Zoning Board and the Conservation Board are given the projects after they are already conceived on paper (and have added cost to the applicant).

The process (ELLA) teaches you to consider other alternatives, i.e. the project we were just discussing (Mitchell Subdivision), why doesn't the applicant just put some town homes right up front, have all of the parking together and avoid the environmental constraints he said. This would avoid the impact of large lots all over the place impacting the environment.

Board member Moriarty agreed.

C.B. Secretary inquired about the schedules of the Board members and wanted to know the Board's availability. Most of the members said that they could be available all of September, but the 14th seemed to be the best date.

New Business:

B) Discussion/ELLA meeting:

After some discussion on the matter the Board decided that it would be more convenient to have the gentlemen change their date to come before the Conservation Board. The members would like them to consider sometime in September, preferably the meeting of the 14th.

Ms. Davis said that she would email Mr. Barnhart and Dr. Rubbo and see what they can arrange.

The Board members took no further action at this time.

C) Discussion/JFK High School/new ballfields under construction/when were final plans approved by the Planning Board/C.B. would like to see them:
C.B. Secretary Ms. Davis reported that she was asked to look into the matter of new ballfields that are under construction at JFK High School. She was also asked to inquire about the final plans being approved by the Planning Board, as the Conservation Board would like to see the plans.

Ms. Davis informed the Board that she emailed Town Planner Hull and was told that the Planning Board had given the okay to the School to commence the ballfields at the present time (June 9).

New Business:

C) Discussion/JFK High School:

Town Planner Hull's email read as follows: *the C.B. needs to be updated on activity that is taking place at the JFK High School (construction of ball fields). Was this application approved? If so, can we see the plans and associated paperwork for our meeting on Tuesday 7-27?*

Ms. Hull said in her email that *regarding the work on the ball fields, the Planning Board approved the JFK site plan on October 21, 2009 and the applicant satisfied all conditions of approval with the exception of providing the NYS DOT Work Permit. On June 9, the Church asked for permission to move ahead on the ball fields prior to receiving the DOT Permit. The Planning Board at their meeting of June 9th determined that since the work did not involve the access drive, the church could move ahead on the fields….the plans are in our files and you or anyone from your board are welcome to come in and look at them. If you have any questions, please let me know.*

Board member Michael La Gue mentioned that he heard about the new Church scheduled to be constructed and was wondering where it would be located.

Chairman Meixner said that the Church would be located off Plumbrook Road near the new ballfields.

The Board members took no further action at this time.

New Business:

D) Discussion/St. Joseph's Church (existing 200-year-old building) is it scheduled for demolition:
C.B. Secretary Ms. Davis informed the Board that she was asked to look into the possibility of the Church at St. Joseph's (which is approximately 200 years old) being slated for demolition.

Ms. Davis advised that according to Town Planner Hull, *she has not heard anything about the existing church being demolished*. The Principal Engineering Technician Steve Woelfle agreed and said that the Church was not going to be demolished.

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 9:30 PM by Board member Michael La Gue 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 August 10, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on August 24, 2010 and September 14, 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