

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JANUARY 11, 2011**

The January 11, 2011 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Michael La Gue, Dr. Edward Merker, James Moriarty,
John Purcell, Gary Meixner

Absent: Shoshana Hantman, Eric Evans

Guests: None

Announcements:

Board member Eric Evans emailed the C.B. Secretary to inform her that he would not be able to attend the meeting tonight.

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Approval of Minutes:

A motion was made by Dr. Edward Merker and seconded by James Moriarty to approve the minutes of the December 14, 2010 regular meeting of the Conservation Board. All members present approved.

Old Business:

- A) Guerrero/#213 Rte. 100/Update/Building Inspector/Principal Engineering Technician: (GM)**
The Conservation Board discussed the above administrative application for Guerrero at their meeting tonight.

C.B. Secretary Ms. Davis informed the Board that she emailed the Building Inspector, Efrem Citarella to see if there was any new activity regarding the permit for the driveway.

Ms. Davis noted that when she did not get a response she phoned the Building Department and spoke to Teresa Reale who looked in the file and did not see the permit. Ms. Reale referred Ms. Davis back to the Engineering Department and Principal Engineering Technician Steve Woelfle for a follow-up.

Ms. Davis spoke to Mr. Woelfle who informed her that the necessary paperwork has been submitted to the appropriate entities and he is waiting for a reply from the DOT (Department of Transportation).

Chairman Meixner said that he was aware of the information provided, but nothing new has transpired regarding the permitting process for the driveway. He mentioned that the owner had told Steve that if he does not get the permit he will install a stone wall across the entrance of the driveway, which he noted would render the driveway unusable for that purpose.

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Old Business:

A) Guerrero/Update:

Board member Dr. Merker inquired about the item being on the agenda and asked if it could be taken off.

Ms. Davis said that there was some discussion on the matter at the last meeting and several of the members would like to know if the applicant is going to receive a permit for the driveway.

This item will remain on the C.B. agenda until such time as a driveway permit is granted by the DOT or not, at that time it will be removed.

The Board members took no further action at this time.

B) BVS Acquisition Company, LLC/Site Plan/Planning Board (aka Chase Bank/fka Bank of America), plans dated October 28, 2010, Letter dated October 28, 2010 to Planning Board from Hocherman, Tortorells & Wekstein, LLP; Stormwater Analysis dated October 25, 2010; Letter dated October 25, 2010 from Atlantic Traffic & Design Engineers, Inc., Plans/A1.1; A4.1; A4.2 Floor Plan & Elevations; Topographic Survey dated 4-6-07; C-1 Cover Sheet; C-2/General Notes; C-3/Removals Plan; C-4/Site Plan; C-4a/Overall Shopping Center Plan; C-5/Grading & Drainage Plan; C-6/Soil, Erosion & Sediment Control Plan; C-7/Utility & Sanitary Plan; C-8/Landscape Plan; C-9/Landscape Notes; C-10/Lighting Plan; C-11/Site Details; C-12 & C-13/Site Drainage & Utility & Details, Prepared by Hocherman, Tortorella & Wekstein, LLP, (#95 Rte. 6/Baldwin Place): (ML)

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Old Business:

B) BVS Acquisition/Chase:

The Conservation Board reviewed the above Planning Board application for BVS Acquisition Company, LLC, site plan, landscape plan and landscape notes at their meeting.

Board member Michael La Gue reviewed the materials submitted and gave a report to the Board concerning the applicant's proposed landscape plan and notes.

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Report:

- Mr. La Gue noted that he reviewed the Landscape Plan and Notes (pages C-8 and C-9) submitted to the Board and has comments as follows:
 - a) Design of planting plan appears to be well thought out. If installed and maintained properly as indicated in the specifications, should (with certain exceptions as noted) be a durable fixture to the property.
 - b) In the accompanying Plant List, two species intended for installation are NOT known to be deer resistant. This includes both *Thuja occidentalis* 'Nigra' (Arborvitae) and *Taxus baccata* 'Rependens' (English Yew).

Both are typically heavily grazed by deer in this region. It is recommended that substitutions be made.

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Old Business:

B) BVS Acquisition/Chase:

- c) For lawn areas to be seeded: no specification is made for the variety of grass (or blend thereof) to be installed. We recommend a durable, draught resistant variety.
- d) While new trees to be installed show detail as to necessary staking to be used, that method is somewhat old fashioned, albeit cost effective. It is suggested that consideration be given to using more modern techniques. Some of those mechanisms are not visible on the surface such as belting root balls and deep earth secured wire guys. Wooden stakes will rot and they are prone to breaking or being ineffective in soft soil.
- e) Landscape contractor should attest to having knowledge of and intended compliance with Article XXIV of Chapter 863 of the Laws of Westchester County, entitled "Restrictions on the Application and Sale of Lawn Fertilizer". This applies to areas intended to be sodded as well as for garden bed soil preparation.
- f) Soil modifications to include 20% partly composted cow manure. Consideration and precautions must be made for runoff and potential contamination of streams.

After some discussion on the matter it was decided that C.B. Secretary Ms. Davis should make sure that the developer receives a copy of the Conservation Board memo via the Planning Board.

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Old Business:

B) BVS Acquisition/Chase:

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A memo (#11-05) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for BVS Acquisition Company, LLC aka Chase Bank, site plan, landscape plan and landscape notes at their meeting on January 11, 2011.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them. The members had these comments regarding the Landscape Plan and notes.

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

- 1) Design of the planting plan appears to be well thought out by the applicant.
 - Installed and maintained properly as indicated in the specifications, it should be a durable fixture to the property with the following exceptions as noted.

- 2) In the accompanying Plant List, two species intended for installation are known NOT to be deer resistant.
 - This includes both *Thuja occidentalis* 'Nigra' (Arborvitae) and *Taxus baccata* 'Rependens' (English Yew). Both are typically heavily grazed by deer in this region.
 - The applicant might want to consider substitutions.

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Old Business:

B) BVS Acquisition/Chase:

- 3) For lawn areas to be seeded, no specification is made for the variety of grass (or blend thereof) to be installed.
 - The applicant might want to consider a durable draught resistant variety.

- 4) The new trees to be installed show detail as to necessary staking to be used, the method is somewhat old fashioned.
 - The applicant should consider using a more modern technique, i.e. mechanisms that are not visible on the surface such as belting root balls and deep earth secured wire guys.
 - Wooden stakes tend to rot and they are prone to breaking or being ineffective in soft soil.

- 5) The Landscape contractor should attest to the knowledge of and intended compliance with Article XXIV of Chapter 863 of the Laws of Westchester County entitled "*Restrictions on the Application and Sale of Lawn Fertilizer*".
 - This should be applied to areas of sod as well as for garden bed soil preparation.

- 6) The soil modifications appear to include 20% partly composted cow manure.
 - Consideration and precautions should be made for runoff and potential contamination of streams.

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Old Business:

B) BVS Acquisition/Chase:

The Conservation Board will continue to review the application for BVS Acquisition aka Chase Bank as revisions are submitted.

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The Board members took no further action at this time.

C) New Cingular Wireless PCS LLC (AT&T)/Co-Location at Somers Commons Shopping Center, Site Plan/Planning Board dated November 12, 2010, Section 4.20, Block 1, Lot 11; Exhibits A, B, C, D, E, F, G; Title Sheet/T-1; Plot Plan/Z-A; Property Owner's List & Setback Maps/Z-1B; Site Plan/Z-1; Site Detail Plan & Notes/Z-2; Elevation, Antenna Plan & Details/Z-3; Details & Notes/Z-4; Prepared by Cuddy & Feder, (#80Rte. 6/Baldwin Place): (JM)

The Conservation Board reviewed the above Planning Board application for Santaroni, Homeland Towers site plan, elevation, site detail plan and antenna plan and details at their meeting.

C.B. Secretary Ms. Davis noted that she had emailed the members previously regarding a draft memo to be written for this application, but only heard back from one member, therefore the draft was postponed for tonight's meeting. She mentioned that Board member Moriarty had emailed her his report for this AT&T Somers Commons application previously (12-15).

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Old Business:

C) New Cingular Wireless/Rte. 6:

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

A brief discussion took place between Chairman Meixner, Dr. Merker and Mr. Moriarty with regards to the application and the correct name and location.

Board member Moriarty responded that the site was located in the Baldwin Place Shopping Center at Somers Commons on Rte. 6 (#80).

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Report:

- The applicant proposed a new site plan for the existing cell tower said Mr. Moriarty.
- He noted that one tower is existing and the applicants propose to add another building and put more devices on the tower.
- Board member Moriarty noted that in the Construction plan, site detail plan, notes page Z-2/item #7 is not spelled correctly. He mentioned that the applicant should proof read their documents before submitting them to the Planning Board.

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Old Business:

C) New Cingular Wireless/Rte. 6:

- He went on to say that on page Z-4/item #17 does not match with what the applicant is showing, it may be inaccurate and should be reviewed as per Town Code 170-129.7, #1 subsection 2 regarding minimum distance requirements . . . *at least 500 ft. from any dwelling unit . . .*
- Mr. Moriarty informed the Board that on page Z-1A/Plot plan there is a map that clearly shows lot 5.17-1-2 and lot 5.17-1-3 (several residences) at approximately 450 ft. from the proposed facility.
- He explained that there were no impacts on the nearby wetland and that there were no steep slope or tree issues with this project.
- Board member Moriarty advised that the applicant should properly install and maintain the silt fencing during excavation and until the vegetation is established. He noted that an erosion control plan is not required due to the size of disturbance.

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The Board discussed the application among them and had to further comment to add to that of Board member Moriarty's report.

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A memo (#11-04) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for New Cingular Wireless AT&T, Santaroni Homeland Towers site plan, site detail plan, notes, elevation, antenna plan and details at their meeting.

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Old Business:

C) New Cingular Wireless/Rte. 6:

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them. It was noted that the tower is existing and the applicant's propose to add another building with more devices on the tower.

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

- 1) On page, Z-4/item #17 does not match with what the applicant is showing.
 - It may be inaccurate and should be reviewed as per Town Code 170-129.7, #1 subsection 2 regarding minimum distance requirements . . .*at least 500 ft. from any dwelling unit . . .*

- 2) On page, Z-1A/Plot plan there is a map that clearly shows lot 5.17-1-2 and lot 5.17-1-3 (several residences) at approximately 450 ft. from the proposed facility.
 - The applicant should check the measurements for inaccuracies and resubmit the plans.

- 3) The applicant should properly install and maintain the silt fencing during excavation and until the vegetation is established.
 - Note: an erosion control plan is not required due to the size of disturbance.

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Old Business:

C) New Cingular Wireless/Rte. 6:

- 4) On the Construction plan/site detail plan, page Z-2/item #7 is not spelled correctly.
 - The applicant should proof read their documents before submitting them to the Planning Board.

The Conservation Board will continue to review the Cingular Wireless (AT&T) application as revisions are submitted.

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The Board members took no further action at this time.

D) Town Board Referral/Request to convey paper road known as Lakeview Terrace to Jeanne Maloney dated 11-19-10/C.B. Comment, (Tabled, waiting information):

The Conservation Board reviewed the above Town Board referral for a request to convey a paper road known as Lakeview Terrace to Jeanne Maloney at their meeting tonight.

Board member John Purcell reviewed the materials submitted and performed a site inspection of the property over the weekend.

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Old Business:

D) T.B./Referral/Lakeview:

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Report:

- Mr. Purcell informed the Board that he tried to approximate where the paper road is located. He checked out the current land situation at the site and remarked that the property appears to be built upon already.
- He explained that there are fences, driveways and apparently no straight line that goes from Lakeview to show that this is the paper road. He said that one could stand on Rte. 118 and say that it should be ending here but there are structures all over the place in that area.
- Board member Purcell noted that there is a creek that was wet but covered with snow and ice. The creek runs down the side of the property and under the road (Rte. 118). He explained that he did not cross the road due to traffic conditions on Rte. 118.
- He advised the Board that he took some pictures and he showed them to the Board on his computer. He explained that the houses in that area are very close.
- Mr. Purcell informed the Board that the last house on Lakeview had been cleared out, trees had been cut and bushes removed (it goes down hill approximately 25 ft.).
- He noted that it looked like a landowner was going to construct something in that area. He mentioned that it appeared someone on the paper road is using this parcel of property already.

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Old Business:

D) T.B./Referral/Lakeview:

- Board member Purcell said that the area goes up about 100 ft. and is at a curve that is close to the secondary dam for the reservoir. He showed the location to the Board on the computer.
- He said that where the paper road appears to end there is a natural pit and the creek empties into this pit and then goes to a pipe under the road.

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C.B. Secretary Ms. Davis reminded the Board that a memo (#11-02) has been sent to the Town Board stating that the Board would like to know the comments made by the DEP with reference to the possible conveyance of this paper road, as their property (reservoir) is located in the vicinity.

Discussion ensued among the Board members with reference to the exact location of this parcel of property.

Chairman Meixner informed the C.B. Secretary that the Board is waiting for information and is not making a final comment on this application at this time.

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Old Business:

D) T.B./Referral/Lakeview:

C.B. Secretary responded that she understands that there is a delay on a formal memo (as the Board is waiting for information) and noted that the item would be tabled until the next meeting.

The Board members took no further action at this time.

E) Town Board Referral/Request to donate land to Town of Somers from John F. Youngman, Jr. (Section 5.19, Block 3, Lots 70 & 71) on Dogwood Road dated 11-19-10/C.B. Comment, (Site Walk): (GM/JP)

The Conservation Board reviewed the above Town Board referral for a request to donate two lots of land to the Town of Somers by Mr. John Youngman, Jr. at their meeting.

Chairman Meixner noted that he looked at this parcel of property also.

Board member Purcell informed the Board that he performed a site inspection of this parcel of property and took some pictures.

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Report:

- Mr. Purcell explained to the Board that the water on that parcel of property is frozen over and he could not tell the direction of the stream flow.

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Old Business:

E) T.B./Referral/Youngman:

- He said that he does not know if Lake Lincolndale feeds that pond or if the pond feeds into Lake Lincolndale.
- Board member Purcell explained that the pond is man made and the entire piece of property is all wetland. It drops down approximately 15 ft. from Lovell Street he said and the majority of the parcel is just a pond.

Chairman Meixner noted that years ago there was some fill brought into the property.

- Board member Purcell explained that on the other side of the property heading away from Keyrel Lane at Dogwood, one of the pipes goes under Dogwood and it opens up on the other side of the pond.
- He explained that you could see the creek going behind the properties and heading towards Lake Lincolndale (northbound). He noted that he could not tell which direction the water was flowing because it was frozen.

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Board member Michael La Gue inquired about the existence of fences or development.

Mr. Purcell responded that there was none.

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Old Business:

E) T.B./Referral/Youngman:

Discussion ensued between Chairman Meixner and Board member La Gue with reference to Lake Lincolndale and the stocking of algae eating fish.

Board member Dr. Edward Merker noted that the Town does not want to inherit any problems.

The Board members reviewed the pictures taken by Mr. Purcell for the meeting and had some discussion.

After discussion on the matter the Board members decided to send a memo to the Town Board stating their concerns and recommendations.

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A memo (#11-06) will be sent to the Town Board stating that the Conservation Board reviewed the above Town Board referral for a request to donate land on Dogwood Road owned by John F. Youngman, Jr. to the Town of Somers at their meeting.

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 recommends that the Town investigate whether or not that pond and property contain contaminants before accepting the parcel.

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Old Business:

E) T.B./Referral/Youngman:

- 2) The Board is also concerned about the possibility of some fill (soil) that was used on this parcel of property years ago.

- 3) In addition, it is important to determine the direction of the flow of the water from the stream that feeds the pond. Does the stream flow from or to Lake Lincolnale.

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The Board members took no further action at this time.

New Business:

- A) New Cingular Wireless PCS, LLC/AT&T/Santaroni – Homeland Towers Site Plan/Planning Board; Photographic Documentation – Proposed Homeland Towers, LLC Wireless Telecommunications Facility; Balloon Test/Final Visual Analysis dated December 20, 2010, Prepared by Snyder & Snyder, LLP, (#2580 Rte. 35): (GM)**
The Conservation Board will review the above Planning Board application for New Cingular Wireless PCS, LLC (AT&T) photographic documentation, balloon test and final visual analysis at their meeting.

Discussion ensued among the Board members with reference to the fact that there was wrong information in the title of the subject matter. Ms.

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New Business:

A) New Cingular Wireless/Santaroni:

Davis was asked to change the information and phone the Planning Board secretary to make sure they are aware of the situation.

Board member Dr. Merker asked if any of the Board members were able to attend the balloon test on Rte. 35 across from Lasdon Park.

The Board members reviewed the pictures that were forwarded by the applicant for the balloon test.

The Board members thought that photos should have been taken from Lasdon Park (County Park) and Wood Street and they were wondering why there were no photos from those locations.

The Chair asked the C.B. Secretary to draft a memo for the next meeting.

Chairman Gary Meixner will review the materials submitted and give a report to the Board.

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

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There being no further business to discuss, a motion to adjourn was made at 9:00 PM by Board member John Purcell and seconded by Board member Michael La Gue. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on January 25, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on February 8, 2010 and February 22, 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