

**TOWN OF SOMERS  
CONSERVATION BOARD  
MINUTES OF MEETING  
FEBRUARY 22, 2011**

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

Attendance: Michael La Gue, James Moriarty, Gary Meixner

Absent: Eric Evans, Shoshana Hantman, Dr. Edward Merker,  
John Purcell

**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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**Announcements:**

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

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

**Approval of Minutes:**

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A motion was made by Board member James Moriarty and seconded by Michael La Gue to approve the minutes of the January 11, 2011 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of January 11, 2011 on page 9.

C.B. Secretary Ms. Davis amended the Conservation Board Minutes of January 11, 2011 on pages 8 and 10.

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A motion was made by Board member Michael La Gue and seconded by Chairman Gary Meixner to approve the minutes of the January 25, 2011 regular meeting of the Conservation Board. All members present approved.

There were no changes made by the Conservation Board members to the minutes of January 25, 2011.

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**Old Business:**

**A) Guerrero/#213 Rte. 100/Update/Building Inspector/Principal Engineering Technician/Permit-driveway: (GM)**

The Conservation Board members are waiting to hear from the Principal Engineering Technician Steve Woelfle regarding the State DOT granting the permit for the driveway to the new garage.

C.B. Secretary Ms. Davis informed the Board that she spoke to the Engineering Secretary Wendy Getting and was advised that the Principal Engineering Technician, Steve Woelfle was on vacation and to her knowledge the DOT permit from the State (for the driveway) did not come through yet.

Ms. Davis advised the Board that she would contact the Principal Engineering Technician when he returns from vacation (after March 1<sup>st</sup>).

Board member La Gue mentioned that the applicants did not plow the driveway and noted that they were not using that entranceway to their property.

This item was tabled until the next Conservation Board meeting.

The Board members took no further action at this time.

**B) Town Board Referral/Request to convey paper road known as Lakeview Terrace to Jeanne Maloney dated November 19, 2010; C.B. Comment; Tabled (waiting for additional information):**

C.B. Secretary Ms. Davis noted that she did not get any more information from the Engineering office or the Town Board regarding the above Town Board referral of Lakeview Terrace.

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**Old Business:**

**B) Town Board referral/Paper Road:**

Ms. Davis explained that the Conservation Board is waiting to submit their comment when further information is obtained regarding neighboring properties, etc.

The Conservation Board at a previous meeting agreed with Town Planner Hull (her memo) that more information was needed on the proposed activity for the paper road with regards to the neighboring properties.

Board member John Purcell did a report on the property along with photos of the existing landscape and area surrounding the paper road for the benefit of the Board members who did not go out and look at the site.

Ms. Davis said that she recently read the Planning Board Minutes of December 8, 2010 on page 13 and 14 and they were discussing the conveyance of the paper road. It mentioned the memo from Town Planner Hull and the fact that they too are waiting for more information in order to discuss the application.

Ms. Davis advised that she would check with the Principal Engineering Technician regarding this request when he comes back from vacation.

Chairman Meixner tabled discussion of the Town Board referral until the next Board meeting.

The Board members took no further action at this time.

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**Old Business:**

- C) New Cingular Wireless PCS, LLC/AT&T/Co-Location @ Somers Commons Shopping Center, Site Plan/Plot Plan Z-1A/Planning Board dated November 11, 2010 revised February 2, 2011, Proposed Co-Location of a Wireless Telecommunications Facility Application for a Special Permit, Area Variance, Amended Site Plan Approval, Section 4.20, Block 1, Lot 11, Prepared by Tectonic Engineering & Surveying Consultants PC, (#80 Rte. 6)/Baldwin Place): (JM/GM)  
The Conservation Board reviewed the above Planning Board application for New Cingular Wireless, AT&T, Co-Location, special permit, area variance and amended site plan at their meeting tonight.

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

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Report:

- Mr. Moriarty noted that the plans do not indicate a clear response to previous C.B. comments regarding proximity to specific nearby dwellings (residential). It continues to show the school and daycare, but not residential dwellings in question (by the C.B.) as per Town Code.
- He said that the Board should resubmit the following items from C.B. memo #11-04 dated January 22, 2011, revised January 25, 2011 as they have not been addressed by the applicant:
- On page, Z-4/item #17 does not match with what the applicant is showing.

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**Old Business:**

**C) New Cingular Wireless/AT&T:**

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 . . .*

- 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.

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The Board members discussed the application among them with regards to the issue of distance from a dwelling (450ft.) and decided to write a memo to the Planning Board stating their recommendations.

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A memo (#11-08) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for New Cingular Wireless PCS LLC/AT&T, Co-Location @ Somers Shopping Center, site plan, plot plan, area variance and amended site plan at their meeting on February 22, 2011.

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

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**Old Business:**

**C) New Cingular Wireless/AT&T:**

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

- 1) The plans do not show a clear response to previous C.B. comments (memo #11-04) regarding proximity to specific nearby dwellings. It only shows schools and daycare facilities, not residential dwellings that are in question as per Town Code.
  
- 2) On page, Z-4/item #17 does not match with the applicant's plans.
  - 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 . . .*
  
- 3) On page, Z-1A/Plot plan there is a map that clearly exhibits 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.

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

**\*\***

The Board members took no further action at this time.

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**Old Business:**

- D)** MetroPCS New York @ Towne Centre/Site Plan/Planning Board dated January 27, 2011, applicant submitted Proposed Co-Location of a Wireless Telecommunications Facility (NY6136) Application for a Special Permit, Site Plan Approval, Wetland Permit, Stormwater Management, Erosion & Sediment Control Permit and Special Permit for Groundwater, Exhibits A, B, C, D, E, F (full EAF), G, H, I, J, K; Title Sheet/T-1; Site Plan/SP-1, SP-2; Compound Plan & Elevation/A-1; Equipment Plan Details & Specs/C-1; Structural Details & Specs/S-1; Prepared by Cuddy & Feder, LLP, (#325/Rte. 100/Somerstown Centre): (JM/GM)  
The Conservation Board reviewed the above Planning Board application for MetroPCS New York @ Towne Centre, site plan, Co-Location, wetland, stormwater management, erosion-sediment control at their meeting tonight.

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

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Report:

- Mr. Moriarty noted that the applicant has corrected the plans to reflect wire mesh backing and filter fabric overlay.
- However, he explained that the information submitted does not show the material that the silt fence stakes are made of.
- Mr. Moriarty advised that the applicant should employ steel stakes with welded wire mesh backing and filter fabric overlay.

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**Old Business:**

**D) MetroPCS NY/Towne Centre:**

- Chairman Meixner advised that when planning a cell tower the applicant should show the plans as if every space is utilized so that the footprint would reflect all future activity on site and where potential equipment would be located.
- In this instance the applicant will be excavating in a newly planted area and the residents will have to go through the same project multiple times, which is unfair and shows poor planning said Mr. Moriarty. The applicant should plan ahead as if every space is going to be utilized.
- Mr. Moriarty agreed with Chairman Meixner and said that there should be a footprint of the maximum amount of usage and where the equipment is going to be located.
- Board member Moriarty noted that previous installation at this site had problems maintaining erosion control and sediment overflow. He said that the Board would appreciate the applicant taking the initiative to maintain these features.
- On Plan SP-2 the applicant does not accurately reflect the surrounding area he said.
- The plan does not exhibit a detention pond or the dumpsters said Mr. Moriarty.

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**Old Business:**

**D) MetroPCS NY/Towne Centre:**

- Both Chairman Meixner and Mr. Moriarty agreed that the plan should reflect what is being protected (wetland) and how the applicant is going to go about protecting that feature.

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Chairman Meixner added:

- Will the applicant be installing additional utility cables from another location outside the proposed site plan footprint?

\*\*

Board member La Gue noted the following:

- The new trees to be installed show detail as to necessary staking to be used, the method is somewhat old fashioned he said.
- 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.

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**Old Business:**

**D) MetroPCS NY/Towne Centre:**

Discussion took place among the Board members with reference to this application and they reviewed the plans submitted. They decided to write a memo to the Planning Board stating their recommendations.

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A memo (#11-09) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for MetroPCS New York @ Towne Centre Co-Location, site plan, wetland permit, stormwater management, and erosion-sediment control at their meeting on February 22, 2011.

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 applauds the applicant for amending the plans to reflect wire mesh backing and filter fabric overlay.
  - However, the information submitted does not exhibit the material that will be used for the silt fence stakes.
  - The Board recommends that the applicant employ steel stakes with welded wire mesh backing and filter fabric overlay.
  
- 2) During the planning stage of the original cell tower the applicant should show the plans as if every space is utilized so that the footprint would reflect all future activity on site and where potential equipment would be located.

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**Old Business:**

**D) MetroPCS NY/Towne Centre:**

- In this instance, the applicant will be excavating (disturbing) a newly planted area (trees) and the residents will have to go through the same project multiple times, which shows poor planning.
  - The applicant should originally plan as if every space is going to be utilized.
- 3) Previous installation at this site had problems maintaining erosion control and sediment overflow.
- The Board would appreciate the applicant taking the initiative to maintain these features.
- 4) On Plan SP-2 the applicant does not accurately reflect the surrounding area.
- The retention pond and the dumpsters are missing from the plans.
  - The plan should reflect what is being protected (wetland) and how it is being protected.
- 5) Will the applicant be installing additional utility cables from another location outside the proposed site plan footprint?

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**Old Business:**

**D) MetroPCS NY/Towne Centre:**

- 6) The new trees to be installed show detail as to necessary staking to be used however 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.

The Conservation Board will continue to review this application for MetroPCS New York at Towne Centre as revisions are submitted.

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The Board members took no further action at this time.

**New Business:**

- A) Heritage Hills of Westchester/Sewage Treatment Plant/Site Plan/Planning Board; Map of Visitors Center-Model Area dated March 26, 1973, revised April 3, 1973; Prepared by Alexander Bunney Land Surveyor, PC; Re-Subdivision Map dated February 14, 2011; Prepared by Bunney Associates Land Surveyors, Preliminary Subdivision/Abbreviated Procedure; Letter to Planning Board dated 2-11-11; Applicant to subdivide 18.852 acre parcel into two parcels; Lot-1A/7.571 acres; Lot-1B/11.011 acres; Transfer of 9 acre parcel with sewage treatment plant to Heritage Hills Sewage Works Corp.; R-40 & DRD; Application; Short EAF; Site Plan Parcel 1 & 2; Re-subdivision Map of Parcel 1 dated 2-14-11; Section 17.10, Block 10, Lot 18, (Rte. 202 & Heritage Hills Drive):**  
(ML)

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**New Business:**

**A) Heritage Hills/Site Plan:**

The Conservation Board will review the above Planning Board application for Heritage Hills of Westchester sewage treatment plant, site plan, preliminary subdivision, abbreviated procedure and short EAF at their next meeting.

Board member Michael La Gue will review the materials submitted perform a site inspection of the property and give a report to the Board.

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

- B) 102 Moseman LLC/Gaggini)/Wetland & Stormwater Management, Erosion & Sediment Control Permit Application; Site Plan/Planning Board (Existing-Proposed) dated January 5, 2011; Prepared by Spearman Architectural Design, PC; Section 48.18-1-10; Survey – Alexander Bunney; Other-Wetlands Investigation by Steven Danzer PhD dated 10-14-10; Short EAF; Site Plan/S-1, S-2, S-3; Proposed Plan/S-4; Garage addition to home/landscape improvements within buffer zone of 6534 sq.ft., man-made, clay bottom, non-contiguous retention pond; Plans include hydro-dredging acidifying sediment from the pond & creation of bog area to improve the environmental viability of pond without increasing size; activity area/19,700 sq.ft., (#102 Moseman Avenue/So side/intersection Stuart Lane):**  
The Conservation Board performed a preliminary review of the above Planning Board application for 102 Moseman/Gaggini, site plan, wetland permit, stormwater management, erosion-sediment control and short EAF at their meeting tonight.

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**New Business:**

**B) 102 Moseman LLC/Gaggini/WAP:**

The Board members reviewed the application for completeness and found the information submitted to be incomplete.

Board member Moriarty noted that the application had hand written notes and highlighter marks on the plans submitted.

Chairman Meixner inquired about the architect's seal being on the plans.

Mr. Moriarty responded that there was no architectural seal on any of the plans submitted and he noted that they were not signed either.

Chairman Meixner asked if it was a preliminary plan.

Ms. Davis responded that there was no mention of preliminary plan on any of the documentation provided.

Board member Moriarty advised that the silt fence detail on Site Plan Details/S-3 is inadequate. The applicant should provide cut sheets (a new description of silt fence) he said.

On page 4 of 4 of the Wetlands Investigation, item #3 (regarding hydric soils) the information that the applicant submitted says that it would not qualify as a wetland alone said Mr. Moriarty, which may be inaccurate. He recommended that the applicant should refer to the hydric soil section of the Town Code.

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**New Business:**

**B) 102 Moseman LLC/Gaggini/WAP:**

After some discussion on the matter the Board members decided to write a memo to the Planning Board stating their recommendations (incomplete) and return the plans to the Planning office with a note to be followed by the memo.

\*

A memo (#11-10) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for 102 Moseman LLC, Gaggini, site plan, wetland permit, stormwater management, erosion-sediment control, and short EAF at their meeting on February 22, 2011.

The Board members reviewed the materials submitted at the meeting.

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

- 1) The applicant submitted plans that are incomplete.
- 2) Site Plan/S-1 contains handwritten notes and lacks a signature and seal.
- 3) On Site Plan Details/S-3 the silt fence detail is inadequate.
  - The applicant should provide a new description of silt fence (cut sheets).

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**New Business:**

**B) 102 Moseman LLC/Gaggini/WAP:**

- 4) On page 4 of the Wetlands Investigation, item #3, regarding the hydric soils the information submitted states that it would not qualify as a wetland alone.
- The applicant should review the hydric soil section of the Town Code.

The Conservation Board cannot review this application for 102 Moseman/Gaggini as presented. We look forward to reviewing a revised set of plans.

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The Board members took no further action at this time.

- C) MetroPCS New York @ Towne Centre/Site Plan/Planning Board dated February 15, 2011, Additional Information, Letter to Planning Board dated 2-15-11; Title Sheet & Index/T-1; As-Built Survey/Section 17.15, Block 1, Lot/part of 13; Constraints Map/CM-1; Soils Map/SM-1; Site Plan/SP-1; Sec & Planting Plan, Details & Specs/SP-2; Compound Plan & Elevation/A-1; Equipment Plan, Details & Specs/C-1; Structural Details & Specs/S-1; Prepared by Cuddy & Feder, LLP, (#325 Rte. 100/Somerstown Centre): (JM)**

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**New Business:**

**C) MetroPCS NY/Towne Centre:**

The Conservation Board will review the above Planning Board application for MetroPCS New York @ Towne Centre, site plan, additional information, as-built survey, constraints map, soils map, compound plan and elevation, details and specs at their next meeting.

The Board members examined the application at the meeting to see if any of the items discussed by the Board were addressed by the applicant, i.e. retention pond, wetlands, etc.

Chairman Meixner noted that there is something new added to the plan. He advised that a proposed Metro GPS antenna appears to be located outside the unipole.

Board member Moriarty looked at the plans and agreed with Chairman Meixner.

Discussion ensued among the Board members with reference to this new feature being incorporated into the applicant's plans. They noted that all antennae should be located inside the unipole.

Board member James Moriarty will review the materials submitted perform a site inspection of the property and give a report to the Board.

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

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**New Business:**

**D) ELLA/Environmental Leaders Learning Alliance/CEA (Critical Environmental Area) Workshop/Saturday, March 5<sup>th</sup> from 9:30am to 12pm:**

C.B. Secretary Ms. Davis informed the Board members that she would contact the absentee members via email to see if they would be able to attend the ELLA workshop on Critical Environmental Areas as noted above.

Ms. Davis said that she could find the location of the Teatown Lake Reservation for whoever would be able to attend.

Board member Moriarty said that he would not be able to attend.

The Chair did not know if he would be able to attend the class.

Chairman Meixner asked C.B. Secretary Ms. Davis to email the other members who were not present at the meeting tonight to see if any of them would be able to go to the CEA class at Teatown. He suggested that the email be sent to Shoshana Hantman, Eric Evans, Dr. Edward Merker and John Purcell and should ask them if they would be able to attend the class on Saturday.

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 9:20 PM by Board member James Moriarty 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 March 8, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on March 22, 2010 and April 12, 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