

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

The March 22, 2011 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.

**Conservation Board  
Minutes of Meeting  
March 8, 2011**

Page 2

**Announcements:**

Board member John Purcell informed the C.B. Secretary by phone that he would attend the meeting tonight, but was not present at the meeting.

Board member Dr. Edward Merker informed the C.B. Secretary at the last meeting and by email that he would not be able to attend the meeting tonight.

Board member Shoshana Hantman informed the C.B. Secretary that she would attend the meeting tonight, but was not present at the meeting.

**Approval of Minutes:**

A motion was made by James Moriarty and seconded by Michael La Gue to approve the minutes of the March 8, 2011 regular meeting of the Conservation Board. All members present approved.

The Board members made no amendments to the Conservation Board Minutes of March 8, 2011.

**Old Business:**

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

The Conservation Board discussed the above administrative application for Guerrero regarding a permit for their newly constructed driveway on Rte. 100.

The 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.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 3

**Old Business:**

**A) Guerrero/Permit:**

Ms. Davis noted that she spoke to Mr. Woelfle and he advised her that the permit from the DOT has not come through to date.

Board member La Gue inquired about this application staying on the C.B. agenda until the permit is issued.

Chairman Meixner said that this item would be kept on the agenda until such time as the applicant receives a permit from the DOT.

Discussion ensued among the Board members with reference to this application and the subject matter was tabled until the next meeting.

The Board members took no further action at this time.

**B) Critical Environmental Areas in the Town of Somers/Discussion/Report;  
Board member Hantman will be looking into this subject matter on  
behalf of the Board: (SH)**

The Conservation Board discussed the above subject matter concerning the implementation of Critical Environmental Areas located in the Town of Somers.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 4

**Old Business:**

**B) CEA/Overview:**

Board member Shoshana Hantman will be looking for possible future site locations in the area that would be suitable for the designation of CEA. She will be obtaining some help from the group at ELLA as they have numerous resources for her use. Ms. Hantman was not present at the meeting tonight.

As Board member Hantman was not available for a report the Chair decided to table this matter.

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

The Board members took no further action at this time.

- C) 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): (GM/JP)**

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 5

**Old Business:**

**C) 102 Moseman/Gaggini:**

The Conservation Board will review the above Planning Board application for 102 Moseman LLC/Gaggini site plan, wetland and stormwater management, erosion-sediment control permit, and wetland investigation report at their next meeting.

Chairman Gary Meixner will review the information submitted, perform a site inspection of the property and give a report to the Board.

Board member La Gue was going to visit the site and give a report, however his schedule did not allow him the time.

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

The Board members took no further action at this time.

**D) New Cingular Wireless, PCS, LLC/AT&T/Co-Location at Somers Commons Shopping Center/Site Plan/Planning Board/Proposed 12 x 20-ft. equipment shelter; Section 4.20, Block 1, Lot 11; Wetland Activity Permit-Application submitted by Tectonic dated February 22, 2011, Appendix I-Preliminary Site Plans/Long EAF; Appendix II- Site Location Maps/Property Owners List; Appendix III-Site Photographs; Appendix IV-NYS GIS/DEC Environmental Resource Map; Appendix V-NWI Map; Appendix VIII-FEMA Floodplain Map; Appendix IX-Completed Wetlands Permit Application/Applicant Acknowledgment Forms; T-1/Title Sheet; C-1/Wetlands, Regulated Buffer Disturbance Area; Z-1A/Plot Plan; Z-**

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 6

**Old Business:**

**D) New Cingular Wireless:**

1B/Property Owner's List, Setback Maps; Z-1/Site Plan; Z-2/Site Detail Plan, Notes; Z-3/Elevation, Antenna Plan, Details; Z-4/Details, Notes; (#80 Rte. 6/100ft. from intersection Rte. 118 & 37): (GM)

The Conservation Board reviewed the above Planning Board application for New Cingular Wireless PCS, LLC/AT&T/Co-Location at Somers Commons Shopping Center, site plan, wetland activity permit, long EAF and soils map at their meeting tonight.

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:

- The Chair reported that the section, block and lot numbers are missing some of the numbers on the wetland permit application.
- He informed the Board that there is a discrepancy in the report submitted by Tectonics, as it appears that they have reversed the lot and block numbers, which is confusing and inaccurate. The applicant should correct these items he said.
- The Chair mentioned that it appears that the applicant may need a variance for this facility with the current configuration.
- On the Plot Plan in the *Bulk Requirement Section* the applicants should include Dwellings as well as School, Daycare facility and Places of Worship.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 7

**Old Business:**

**D) New Cingular Wireless:**

- *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 (Memo 11-08).*
- On the Tectonic Plan Z-1B/Property Owners List & Setback Map the applicant went to the trouble of listing the names of the residents on the map and then left off the setback for the Dwellings.
- The applicant also did not include a blocked-out area on the plans displaying the existing dwellings along with the setback notation.
- Title: General Site Notes, Details & Notes page Z-4/item #17 states that there is no dwelling, school, place of worship, or daycare facility within 500ft. of the proposed facility. This does not match the applicant's plans as the dwelling information is missing from the map provided.
- The plans exhibit a distance of approximately 450ft. to the nearest dwelling on page Z-1A plot plan, lot 5.17-1-2 and 5.17-1-3. The applicant should check the measurements for inaccuracies and resubmit the plans.
- The plans may be inaccurate and should be reviewed as per Town Code 170-129.7, #1 Subsection 2 regarding minimum distance requirements . . . .*at lease 500 ft. from any dwelling unit . . .*

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 8

**Old Business:**

**D) New Cingular Wireless:**

- The wetland application does not exhibit the correct information and is missing the “Sheet/Section” information.

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Board member La Gue mentioned that it would be a good idea if the Original shed was built larger so that the other renters would be able to use the same shed instead of adding on and taking up more of what could be open space. He explained that the shed would already be existing and there would be no need to add another building, etc.

Chairman Meixner agreed and said that there are going to be more renters however, they are now proposing their own sheds at this point. He went on to say that this is what was discussed previously by the Board and they felt that it should be the size that it eventually will be (when fully rented) when the application is first submitted to the Town. He explained that all of this back and forth is not good planning and makes it impossible for the Board to take into consideration all of the environmental features such as wetlands, etc. when the original application keeps coming back and enlarging with new renters.

Discussion ensued among the Board members with reference to this application and the discrepancies that are not being corrected by the applicant. The Board decided to write a memo to the Planning Board stating their concerns. They directed that the memo should reflect the fact that the applicant has not made any changes to date regarding these concerns.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 9

**Old Business:**

**D) New Cingular Wireless:**

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A memo (#11-16) 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 at Somers Commons Shopping Center, site plan, wetland activity permit, environmental resource map, soils map and regulated buffer disturbance area at their meeting on March 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) It appears that the applicant may need a variance for this facility with the current configuration (as it is too close to the resident dwellings).
- 2) On the Plot Plan in the *Bulk Requirement Section* the applicants should include the Dwellings as well as School, Daycare facility and Places of Worship.
  - 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 (Memo 11-08).

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 10

**Old Business:**

**D) New Cingular Wireless:**

- 3) On the Tectonic Plan Z-1B/Property Owners List & Setback Map the applicant went to the trouble of listing the names of the residents on the map and then left off the setback for the Dwellings.
  - The applicant also did not include a blocked-out area on the plans displaying the existing dwellings along with the setback notation.
  
- 4) Title: General Site Notes, Details & Notes page Z-4/item #17 states that there is no dwelling, school, place of worship, or daycare facility within 500ft. of the proposed facility. This does not match the applicant's plans as the dwelling information is missing on the map provided.
  - The plans exhibit a distance of approximately 450ft. to the nearest dwelling on page Z-1A plot plan, lot 5.17-1-2 and 5.17-1-3. The applicant should check the measurements for inaccuracies and resubmit the plans.
  - The plans may be inaccurate and should be reviewed as per Town Code 170-129.7, #1 Subsection 2 regarding minimum distance requirements . . . .*at lease 500 ft. from any dwelling unit . . .*
  
- 5) The wetland permit application does not exhibit the correct information and is missing the "*Sheet*" information. (see attachment)

The Conservation Board will continue to review the application for New Cingular Wireless/AT&T as revisions are submitted. The Board is looking forward to the revisions by the applicant as noted in this memo (as similar concerns have been submitted previously with no changes made by the applicant).

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**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 11

**Old Business:**

**D) New Cingular Wireless:**

The Board members took no further action at this time.

**E) Cell Tower Construction Process/C.B. Suggestions:**

The Conservation Board discussed the construction of cell towers and the fact that they are being re-constructed every time there is a new tenant, which includes building, clearing, etc. As the original plans do not depict the renters, there is no plans for more development when the original plans are approved. Hence, environmental features are not being protected due to the lack of pre-planning the areas where the renters will be located.

The Board decided that a memo should be sent to the Planning Board addressing cell tower construction for future and current sites (the information will be taken from memo #11-12 dated March 18, 2011 and sent separately to avoid confusion.

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A memo (#11-17) will be sent to the Town Board and Planning Board stating that the Conservation Board has been reviewing applications for cell towers throughout the Somers area and discussed the impacts and problems associated with their construction at their meeting on March 22, 2011.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 12

**Old Business:**

**E) Cell Tower Construction:**

The Board members have reviewed the process for cell tower construction at their recent meetings and would like to suggest the following ideas for your consideration

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

- 1) During the planning stage of the original cell tower, the applicant should show the plans as if every space is utilized (rented).
  - The original footprint would then reflect future activity on site.
  - It would also reflect the location of future equipment/sheds.
  
- 2) The applicant should not be revisiting the site and changing the footprint every time that they have a new applicant renting their cell tower.
  - This impedes proper review of the application because the footprint keeps on spreading, sometimes to areas that should not be disturbed.
  
- 3) The entire review process should take place all at the same time so that other vendors could be added or subtracted without change to the surrounding area or the footprint of the application.
  - This would also help with the problem of landscaping and re-landscaping the site as well as avoiding wetlands, steep slopes, etc.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 13

**Old Business:**

**E) Cell Tower Construction:**

The Conservation Board offers these suggestions for your review and consideration as we have noted the many problems associated with the applicant coming back for revisions and changes to the original plan.

Attachment to memo (2) documents:

Wetland Chapter 167; Page 1 of Tectonic memo dated February 22, 2011)

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The Board members took no further action at this time.

**F) BVS Acquisition Co., LLC/aka Chase Bank/Location of Proposed Chase Bank/Rte. 6 Baldwin Place (former site of gas station/Informal Site Inspection/violation-erosion control measures/silt fence, etc., (#95 Rte. 6/Baldwin Place): (GM)**

Chairman Gary Meixner performed an informal site inspection to the above location, site of the proposed Chase Bank at Baldwin Place on Rte. 6. Prior to this application this site was formerly a gas station.

Chairman Meixner performed a site inspection of the property and gave a verbal report to the Board.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 14

**Old Business:**

**F) Chase Bank/Site Inspection:**

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Report:

- The Chair informed the Board that the former gas station has been ripped down and digging has occurred, with no erosion control measures present on the site.
- The Chair noted that there was a pile of dirt on the premises with nothing around it to impede siltation.
- He reported that there was no erosion control measures present on the property. The applicant had not installed silt fences or haybales as per Code.
- Chairman Meixner informed the Board that he spoke to Town Planner Hull and explained the situation asking her to advise the appropriate entities.

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Discussion ensued among the Board members and they decided to write a memo to the Building Inspector and Principal Engineering Technician and with a copy to the Planning Board, Consulting Engineer Barbagallo and Town Board.

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A memo (#11-15) will be sent to Building Inspector Citarella and Principal Engineering Technician Woelfle stating that the Conservation

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 15

**Old Business:**

**F) Chase Bank/Site Inspection:**

Board reviewed the above Planning Board site for BVS Acquisition Co., LLC aka Chase Bank Rte. 6, Baldwin Place at their meeting on March 22, 2011.

The Board performed an informal site inspection of the property and found there to be violations with reference to erosion control measures. Chairman Meixner spoke to Town Planner Hull, advised her of the situation, and asked her to follow-up with whoever is in charge of site violations.

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

- 1) The gas station has been removed and there is a pile of dirt on the premises, however the applicant has failed to provide erosion control measures on site.
  - There are no silt fences or haybales present on the site.
  - The pile of dirt on site has been left without any covering, etc.

The Conservation Board members would appreciate the applicant providing adequate erosion control features as recommended in the Town Code.

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The Board members took no further action at this time.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 16

**Old Business:**

- F)** Heritage Hills of Westchester/Sewage Treatment Plant/Re-subdivision; 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 acre Lot-B/11.011 acres; transfer 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)

The Conservation Board reviewed the above application for Heritage Hills Sewage Treatment Plant re-subdivision at their last meeting and sent a memo to the Planning Board (#11-14) dated March 18, 2011.

Board member Michael La Gue asked that this item remain on the Conservation Board Agenda for the near future until the Board members decide to take it off.

Chairman Meixner and the Board members agreed.

The Board members took no further action at this time.

**New Business:**

- A)** 102 Moseman LLC/Gaggini/Wetland Activity Permit/Planning Board; Wetland, Stormwater Management, Erosion-Sediment Control Permit Application; Section 48.18, Block 1, Lot 10, Complete package submitted March 14, 2011; Findings & Reasons FR2010-41 dated 10-12-10; Short EAF; Stormwater Pollution Prevention Plan; Erosion-Sedimentation Control Practice during Construction; Post-construction Stormwater

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 17

**New Business:**

**A) 102 Moseman/Gaggini:**

Management Practice; Landscape Management Plan/Map; Wetlands Investigation by Steven Danzer, PhD dated 10-14-10; S-1/Stormwater Pollution-Prevention Plan; S-2/Site Plan-Contoured; S-3/Site Plan-Details; S-4/Proposed Plans & Elevations; Letter to Planning Board dated January 18, 2011; Prepared by Spearman Architectural Design PC; (#102 Moseman Avenue/So.side/intersection Stuart Lane): (JM)

The Conservation Board will review the above Planning Board application for #102 Moseman LLC/Gaggini wetland activity permit, stormwater management, erosion-sediment control, wetlands investigation and landscape management plan at their next meeting.

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

The Board members reviewed the plans for completeness and noted that the wetland buffer area was not delineated on the plans submitted by the applicant.

C.B. Secretary Ms. Davis inquired about a landscape plan.

Board member Moriarty said that there was one included on a sheet of paper that was separate.

Ms. Davis asked Board member La Gue if he would like her to make a copy of the landscape plan for his review.

Mr. La Gue agreed.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 18

**New Business:**

**A) 102 Moseman/Gaggini:**

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

**B) NYSDEC – SEQR Forms/taking comments until April 8, 2011 regarding both short and long Environmental Assessment Forms (EAF's);**

[www.dec.ny.gov/environmentaldec/72518.html](http://www.dec.ny.gov/environmentaldec/72518.html)

C.B. Secretary Ms. Davis informed the Board that the State DEC was changing their forms and are accepting comments until April 8, 2011. Unfortunately, she said that there is not enough time to review the forms because the next meeting of the Board is on April 12 and we would have missed the deadline.

Board member Moriarty said that the forms are all right however, it would be a good idea if the applicant filled them out properly.

Chairman Meixner agreed and noted that the applicants in general do not fill out the SEQR EAF forms as they should and that poses a problem with the review process.

The Board members took no further action at this time.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 19

**New Business:**

**C) Town Board member Clinchy/Attended C.B. meeting/Notes:**

The Conservation Board took the opportunity to discuss several items with Town Board member Clinchy. The first thing that was discussed was the application for 102 Moseman Avenue as the Board received the wetland application for this project.

Discussion ensued among the Board members with reference to the pond on the property and the wetlands and buffer area that was not delineated.

Town Board member Clinchy brought up the fact that some of the town residents are proposing an off-leash Dog Park for Somers and it is being considered for an area that is between the Highway Department and a nearby restaurant.

Mr. Clinchy went on to say that there is a field at that location that is usually mowed and nothing else on the property would be altered he said. He noted however that the residents mentioned the possibility of putting in some fencing.

Town Board member Clinchy informed the Board that there is a wetland in the vicinity of the proposed Dog Park. He specified that he wanted to give the Board a heads-up so that they could decide if there would be any potential problems with the proposed Dog Park in that area. He noted that the associated paperwork for their review would be forthcoming.

Chairman Meixner noted that the town parks routinely do not allow dogs as it is a Town law.

Town Board member Clinchy informed him that it has been allowed in Koegel Park, but now the residents would like an off-leash park for their dogs.

**Conservation Board  
Minutes of Meeting  
March 22, 2011  
Page 20**

**New Business:**

**C) T.B. Clinchy/Discussion:**

Chairman Meixner inquired about the insurance liability.

Mr. Clinchy said that the Town Attorney said that it would not be a problem.

The Board members then discussed the plans (in general) that are being submitted to them from the Planning office with reference to completeness, things missing on the plans and the fee base for construction, etc. in Somers.

After some discussion with Mr. Clinchy on those matters the Board members decided to adjourn the meeting.

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There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member James Moriarty and seconded by Board member Michael La Gue. All members present approved.

**Conservation Board  
Minutes of Meeting  
March 22, 2011**

Page 21

The next regular meeting of the Conservation Board will be held at the Town House on April 12, 2011 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on April 26, 2011 and May 10, 2011 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