

**TOWN OF SOMERS  
CONSERVATION BOARD  
MINUTES OF MEETING  
APRIL 26, 2011**

The April 26, 2011 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Michael La Gue, James Moriarty, John Purcell, Gary Meixner

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

**Guests:** None

**Announcements:**

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

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

**Conservation Board  
Minutes of Meeting  
April 26, 2011**

Page 2

**Approval of Minutes:**

A motion was made by James Moriarty and seconded by Michael La Gue to approve the minutes of the April 12, 2011 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty made amendments to the Conservation Board Minutes of April 12, 2011 on page 4.

Board member Michael La Gue made amendments to the Conservation Board Minutes of April 12, 2011 on pages 21 and 24 and memo #11-19.

**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.

Ms. Davis noted that she spoke to the Engineering Secretary Wendy Getting and was advised that the DOT permit was just issued. She was told that the Building Inspector, Efrem Citarella should have a copy of the document.

Ms. Davis contacted the Building Department and spoke to Teresa Reale who explained that Mr. Citarella informed her that the DOT permit (document) has not been received to date.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 3**

**Old Business:**

**A) Guerrero/Update:**

However Ms. Reale noted that the permit has been issued to the homeowner and the paperwork (copy of document) would be made available to the Conservation Board as soon as it is available.

This item will be kept on the C.B. agenda until such time as the Conservation Board receives a copy of the permit from the DOT.

Chairman Meixner noted that the applicant built the garage and driveway without an approved DOT permit and therefore the Board would wait to have a copy of the official paperwork.

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 is in the process of looking into establishing Critical Environmental Areas in the Town of Somers.

**Conservation Board  
Minutes of Meeting  
April 26, 2011**

Page 4

**Old Business:**

**B) CEA/Discussion:**

The Board tabled discussion on the above subject matter concerning the implementation of Critical Environmental Areas until such time as Board member Hantman can be available for a report.

Board member Shoshana Hantman is in the process of reviewing information that would encompass some future site locations in the area that are suitable for the designation of CEA.

The Board members took no further action at this time.

**C) 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 18.582 acre parcel into two parcels; Lot-1A/7.571 ac Lot-1B/11.011 ac; 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 meeting on March 8, 2011. A memo (#11-14 dated March 18, 2011) was sent to the Planning Board stating the C.B. concerns and recommendations.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 5**

**Old Business:**

**C) Heritage Hills/Subdivision:**

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Report:

- Chairman Meixner informed the Board that Board member Edward Merker had recently visited the site and took photos that clearly showed ponding water in areas that are not shown on the map as wetlands.
- The wetland delineation, which is located along the middle of the stream, appears to not be flagged properly he said.
- The Chair stressed that the plans should reflect the actual wetland delineation and setbacks of the parcel.
- He went on to say that if they are found to be inaccurate then they should be reflagged.

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Chairman Meixner explained that Dr. Merker would probably give a brief report at the next meeting. However he suggested that the Board should consider sending a memo to inform the Planning Board regarding the potential wetland issue.

The Chair explained that Board member Merker has the photos that he took to show the Board and possibly more comments on the subject matter. He went on to say that the actual location of the photos can be pinpointed on GPS, which could then be mapped for accuracy.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 6**

**Old Business:**

**C) Heritage Hills/Subdivision:**

Board member Michael La Gue noted that he lives in the general area and observed tags in the woods. Some of the elevations are higher and others lower, but with the event of wetland plants such as pussy willows (common wetland vegetation) then it clearly marks the wetland. As soon as it rains he said then the entire area gets flooded.

Upon inspection he observed that the site appeared to lack the necessary setbacks for the wetland delineation in the area that includes the pond across the street on the corner and the bridge at Warren Street. He advised that the site inspection did not correspond to the paperwork that was submitted to the Board for review.

Chairman Meixner agreed and said that due to the visible wetland vegetation the site plan submitted does not appear to be the correct.

Discussion ensued among the Board members with reference to this information and they decided to write a memo to the Planning Board alerting them of this wetland delineation problem.

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A memo (#11-20) will be sent to the Planning Board stating that the Conservation Board discussed the above Planning Board application for Heritage Hills of Westchester Sewage Treatment Plant, site plan, re-subdivision map and short EAF at their meeting on April 26, 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:

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 7**

**Old Business:**

**C) Heritage Hills/Subdivision:**

- 1) The Conservation Board performed a site inspection of the wetland area with regard to delineation and boundaries and noted the following information.
- 2) After careful review, the Board members agreed that the plan exhibits anomalous information that requires further verification relative to the wetland demarcation.
- 3) The Board members are looking into this matter further.

The Conservation Board will continue to review this application for Heritage Hills Sewage Treatment Plant Re-subdivision with regards to wetland demarcation.

**\*\***

This item will remain on the C.B. Agenda until such time as the Planning Board makes a decision on this subdivision application and the Board members decide to remove it from the agenda.

The Board members took no further action at this time.

**Conservation Board  
Minutes of Meeting  
April 26, 2011**

Page 8

**Old Business:**

- D)** Mitchell Subdivision/Conventional Subdivision Plan-4 Sheets; Preliminary Subdivision/Planning Board dated March 14, 2011; Preliminary Plat - Conservation Subdivision Plan/PP-1; Erosion Control Plan/EC-1; Profile -Misc. Details/D-1; Stormwater Details/D-2; Prepared by Bibbo Associates, (#197 Tomahawk Street/Rte. 118): (JM)  
The Conservation Board reviewed the above Planning Board application for Mitchell Subdivision/Conventional Subdivision plan and Conservation Subdivision plan, stormwater details and erosion control plan at their meeting tonight.

Some discussion took place among the Board members with the fact that this application continues to be a four-lot subdivision when the Board members had recommended that it be a three-lot subdivision in a memo that was submitted last year.

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 informed the Board members that generally speaking there does not appear to be anything new on the submitted application and associated plans.
- He noted that there continues to be four lots with four houses and substantial alterations on steep slopes.

Board member Michael La Gue remarked that even though the C.B. talked about eliminating the fourth site on the steep slopes, the applicant basically just duplicated the same plan again squeezing four lots into an smaller area.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 9**

**Old Business:**

**D) Mitchell/Subdivision:**

Mr. Moriarty responded that it appears that the applicant did not incorporate any of the C.B. recommendations.

C.B. Secretary Ms. Davis informed the Board that she had called the Engineering office regarding this application and they explained to her that it was a conservation subdivision.

- Board member Moriarty agreed and said that it is called a conservation subdivision, but it does not appear to respond to the Board's concerns regarding the environmental constraints.
- He went on to explain that there are homes in front and open land behind them, but the houses (4) continue to impact the steep slopes as they had with the last submission.
- Mr. Moriarty noted that the back area appears to be larger, but the situation remains the same, too many houses and too many disturbances in a sensitive area.
- He advised that the plans submitted are difficult to review as there are too many lines intersecting and overlapping to read properly. He commented that the entire area would continue to be impacted with the conservation subdivision just as before with the conventional subdivision.

Chairman Meixner specified that the Board asked the applicants to eliminate the last lot and apparently they did not take that matter into consideration.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 10**

**Old Business:**

**D) Mitchell/Subdivision:**

- Board member Moriarty pointed out that the applicant also did not incorporate steel stakes with wire mesh backing and filter fabric overlay as was requested by the Board.

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The C.B. Secretary asked Mr. Moriarty if he would like her to pull the old plan so that the application could be reviewed more concisely, she noted that it was a very small parcel of property (about 7 acres).

Mr. Moriarty responded that it would be helpful from a comparison point of view i.e. conventional versus conservation subdivision.

Ms. Davis said that she would locate the old plans and deliver them to him for his review and comparison. She mentioned that the title sheet states that it is a conventional subdivision, however the plans show a conservation subdivision.

Chairman Meixner inquired about the existence of a turn around on the newly proposed application.

Mr. Moriarty noted that it was just driveways and lines on top of lines so it is difficult to read. It shows the residence and driveways but there does not seem to be a designated area to turn around. The plans do not exhibit the creation of a cul de sac he said, which is what would be needed for the emergency vehicles to turn around.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 11**

**Old Business:**

**D) Mitchell/Subdivision:**

Board member La Gue agreed and said that a cul de sac should be one of our concerns as the entrance should be safe for the perspective residents and allow emergency vehicles.

Chairman Meixner was wondering if this roadway was going to be a town road.

Board member Moriarty said that it did not say that it would be a town road, however he would do a comparison with the former plans (conventional) when he receives them; noting that he would forward the additional information to Ms. Davis.

Discussion took place among the Board members and they decided that it would be all right with them if Mr. Moriarty emailed C.B. Secretary Ms. Davis his report for a memo to the Planning Board and the record.

\*

A memo (#11-23) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Mitchell Subdivision, preliminary subdivision, conservation subdivision, erosion control and stormwater details at their meeting on April 26, 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 applicant continues to have four lots with four houses and substantial alterations on steep slopes.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 12**

**Old Business:**

**D) Mitchell/Subdivision:**

- Although this application is called a conservation subdivision, it does not appear to respond to the Board's concerns regarding the environmental constraints.
  - There are homes (4) in front and open land behind them, but the houses continue to impact the steep slopes similar to the last submission.
- 2) The back (conservation) area appears to be larger, but the situation remains the same, too many houses and too many disturbances.
- The entire area would be impacted similar to that of the conventional subdivision.
- 3) The applicant's plans are difficult to read as there are too many lines intersecting and overlapping to allow proper review.
- 4) This Board requested steel stakes with wire mesh backing and filter fabric overlay.
- The applicant has failed to incorporate this erosion control feature into the plans.
- 5) The plans do not exhibit the creation of a cul de sac, which is what would be needed for emergency vehicles to turn around.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 13**

**Old Business:**

**D) Mitchell/Subdivision:**

The Conservation Board will continue to review this application for Mitchell Subdivision, conservation subdivision as revisions are submitted.

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The Board members took no further action at this time.

**E) Homeland Towers, LLC/New Cingular Wireless PCS/LLC (AT&T); Santaroni/2580 Rte. 35; Site Plan/Planning Board; Section 37.13, Block 2, Lot 3; Letter to Zoning Board dated 3-28-11; Letter to DEP dated 3-14-11 from Tectonic; Environmental Mitigation Report/Tectonic dated 3-10-11; Full EAF & SEQR EAF – Addendum; Additional Radio Frequency Information/Site 4506.N-575 dated 3-18-11; Partial Topography Survey/SU-1; Title Sheet/T-1; Plot Plan-Adjoiners-Notes/Z-1; Site Plan/Z-2; Setback-Bulk Req. Table Z-3; Site Detail/Z-4; Tree Removal/Z-5; Wetland Buffer Mitigation/Z-6 & Details/Z-6A; Steep Slopes/Z-7; Elevations/Z-8, Z-9; Equipment Details, Notes/Z-10; AT&T Equipment-Details/Z-11; Erosion Control/Z-12/Ph1; Z-12A/Ph2; Stormwater Mgmt Plan/Z-12B; SWM-Notes-Details/Z-13, Z-14; EC-SWM Details-Notes/Z-15, Z-16, Z-17; On-Line Diagram, Details/E-1; Routing-Grounding Plan-Details/E-2; Prepared by Synder & Synder, LLP; (#2580 Rte. 35; Santaroni): (JM)**

The Conservation Board reviewed the above Planning Board application for Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T); Santaroni/2580 Rte. 35, site plan, full EAF, wetland buffer mitigation, stormwater management, steep slopes and tree removal at their meeting tonight.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 14**

**Old Business:**

**E) Homeland Towers/Santaroni:**

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 informed the Board that on the EAF/Page 2 of 21 there was no contact for the owner who lives at the property (for a site inspection) just a P.O. Box.
- He explained to the Board that he called the Engineer whose information was under contact on the project and was told that the engineer did not have the homeowners phone number available to him. He eventually went to the site as the Engineer suggested without being able to contact the homeowner (who was not expecting him).

Discussion ensued among the Board members with reference to the homeowner needing a heads up on people visiting the site.

Ms. Davis informed the Board that planning and engineering usually has all of that pertinent information available to them for our use, but we have to contact them and make a request.

- Mr. Moriarty noted that on Page 5 of 21/EAF it states *is the site served by existing public utilities*. The applicant responded *no* but it should be 'yes' as there are overhead wires to this property and the property is not subdivided, at present it is one large lot with a designated area that will be leased by the applicant.

**Conservation Board**  
**Minutes of Meeting**  
**April 26, 2011**  
Page 15

**Old Business:**

**E) Homeland Towers/Santaroni:**

- On Page 8 of 21/EAF/Approvals required/the document states *area and height variances*, which is incorrect. There is a distance variance according to Town Code which is a minimum of 500 ft. from nearby dwellings, but the word 'dwelling' was eliminated from the plans submitted.
- On the Visual EAF Addendum/Question #1 it states *will the project be visible from a parcel of land which is dedicated to the public for use*. They wrote *no* but the answer should be *yes* he said. Lasdon Park is located right there (Rte. 35) and the proposed cell tower will be visible from that Park so the answer should be 'yes'.
- On the Visual EAF Addendum it states *will the project be visible from a municipal park or designated open space* the applicant specified *no*. The answer should be 'yes' Lasdon Park.
- On Sheet #SU-1 it states *is the property serviced by public utilities*. They say *no* but the plan clearly shows overhead public utilities so the answer should be 'yes' he said.
- On the Tectonic Environmental Mitigation Report/Page 2 it states that *the site is located entirely within the 100 ft freshwater wetland buffer*, which is regulated by the Town of Somers. The reason for the wetland buffer area (100 ft. buffer) is to keep the sun off the stream, but once the trees are clear cut then it defeats the purpose (of the 100 ft wetland buffer). If the trees are cut then it will cause the stream to warm and the fish will die he said. The trees should be retained to keep the sun off the stream and reduce erosion of the streambed and surrounding area.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 16**

**Old Business:**

**E) Homeland Towers/Santaroni:**

Board member Moriarty advised the Board that the Additional Radio Frequency information was not reviewed as he is not familiar with this topic.

- On the Tectonic Environmental Mitigation Report/Page 3/Existing Functions, it states that *the site is situated within the 100-ft. wetland buffer*. In Chapter 167 of Town Code addresses the reason why this cell tower should not be located in the wetland buffer zone.
- On the Tectonic Report/Section 6.0/Page 5/Existing Functions report it states that *the existing wetlands are associated with ephemeral streams that flow into the Muscote River, which empties into the Croton Reservoir, which supplies New York City Reservoir*. This is what the applicant is telling the town ergo why are we entertaining this application for a wetland permit.

Chairman Meixner asked if this project was before or after the Lasdon Park entrance.

Mr. Moriarty said that it is located after the entrance as one heads west on Rte. 35, the property has a large white house with smaller structures in the rear of the property.

- The Goals and Objectives of the Mitigation Plan states that it is *to improve protection of the wetland streams and in turn the watershed* he said.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 17**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- On Page 16/In Conclusion the report states *this project will enhance the existing wetland buffer to promote Biodiversity and improve protection for the water supply*. Mr. Moriarty said that seems awkward to have that statement there as the entire project is located in the wetland setback and the applicant is not protecting anything he said.
- On Site Plan/Z2 it states *204 ft. to closest edge of nearest dwelling*; the Town Code states it should be 500 ft. The applicant did not compute the distance line to both residence on the property; they mapped one but not the other. The distance line should be reflected from all residences on the property he said. The rental is measured, but the main house is not measured. The marked properties are not consistent with Town Code restriction.

Board member Michael La Gue inquired about the applicant applying for a variance.

Mr. Moriarty said that he would address that issue next.

- On Page Z-3/Setback map it references the variances that are required for this project. They are the lot area variance, proposed building setbacks for the equipment variance, minimum distance requirements for wireless telecommunications facility for height, maximum height for the facility – structure height variance (tallest tree within 100 ft of the facility is 92 ft).

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 18**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- Mr. Moriarty went on to say that another variance (#5) could be added for dwellings that would be less than 500 ft. from the tower (which would include approximately 3 to 5 dwellings).

Board member La Gue noted that it appears the applicant recognizes the existence of the fifth variance, but does not address the need for it.

- On Page Z-3/Setback map/Notes #1 it states *that the location of the proposed pole is greater than 500 ft. from the nearest property line of any school, place of worship or daycare facility.* However, they did not finish the Town Code as they left off 'dwelling' he said.
- Mr. Moriarty pointed out that on Page Z-4 the applicant is taking down many trees in the wetland buffer area, including large trees (24"; 26"; 28" trees). An excessive number of old growth trees are going to be cut down in a pristine area of the buffer he said. Then there is a note that states *each tree to be removed is located in the 100 ft. buffer, approximately 32 trees in all.*
- On Page Z-6/Mitigation note #6 states that *construction activities will take place within the dripline of some of the trees, which does not match #7 following this statement in an effort to preserve the health of existing trees care will be taken during all construction activities* he said.
- Mr. Moriarty went on to say that the applicant would kill the tree if they drive over the dripline, as the roots will be compacted; the tree will be dead within two years because they cannot recover.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 19**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- He questioned is the applicant preserving the trees or cutting them down the information needs clarity he said.

Chairman Meixner inquired about the Town Code with reference to the distance to the cell tower.

Board member Moriarty responded that it is not measured from the structure, but from the project area which is the fenced in area around the tower. However, in this instance even if it were from the structure it still would not be enough distance to comply with Town Code he said.

- On Page Z-12A/Excavation/proposed installation of a retaining wall for support/there is a 17-ft. high-grade difference that includes the retaining wall, which will be accomplished using a machine. Mr. Moriarty explained to the Board that this is too much disturbance on such sensitive land (wetland buffer).

Board member La Gue inquired about the retaining wall height.

- Mr. Moriarty said that the retaining wall height is not the problem, it is the 17-ft. high-grade difference that will be imposed on the site in that location. He noted that it would be too excessive for the wetland buffer area.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 20**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- On Page Z-15/Tree Protection/Note #3 the document states *limit of construction and there is orange fencing with stakes protecting all of the trees*, but this effort is wasted if they are going to compact any area of the dripline of the trees to be protected. The tree protection information is inaccurate, if they are not going to do it he said.

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Discussion ensued among the Board members with reference to this application and they decided to write a memo to the Planning Board stating their concerns.

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A memo (#11-21) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Homeland Towers, LLC/New Cingular Wireless PS, LLC (AT&T) Santaroni site plan, stormwater management, steep slopes wetland buffer mitigation and erosion control at their meeting on April 26, 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) On the EAF/Page 2 of 21 there was no contact number for the owner who lives at the property (for a site inspection) just a P.O. Box.
- 2) On the EAF/Page 5 of 21 it states *is the site served by existing public utilities.*

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 21**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- The applicant responded *no* but it should be 'yes' as there are overhead wires to this property; an area of the lot will be leased by the cell tower.
- 3) On Sheet #SU-1 it states *is the property serviced by public utilities.*
- The applicant said *no* but the plan clearly shows overhead public utilities so the answer should be 'yes'.
- 4) On the EAF/Page 8 of 21/Approvals required, the document states *area and height variances*, which is incorrect.
- There is a distance variance according to Town Code, which is a minimum of 500 ft. from nearby dwellings.
  - However, the word 'dwelling' was eliminated from the plans submitted.
- 5) On the Visual EAF Addendum/Question #1 it states *will the project be visible from a parcel of land which is dedicated to the public for use.* The applicant wrote *no* but the answer should be yes.
- Lasdon Park is located in the vicinity (Rte. 35) and the proposed cell tower will be visible from that Park so the answer should be 'yes'.
- 6) On the Visual EAF Addendum it states *will the project be visible from a municipal park or designated open space the applicant answered no.*

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 22**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- Again, the answer should be ‘yes’ Lasdon Park.
- 7) On the Tectonic Environmental Mitigation Report/Page 2 it states that *the site is located entirely within the 100 ft freshwater wetland buffer*, which is regulated by the Town of Somers.
- The reason for the 100-ft wetland buffer is to keep the sun off the stream. Once the trees are clear-cut then it defeats the purpose (of the 100-ft wetland buffer).
  - The trees should be retained to keep the sun off the stream and reduce erosion of the streambed and surrounding area.
- 8) On the Tectonic Environmental Mitigation Report/Page 3/Existing Functions, it states that *the site is situated within the 100-ft. wetland buffer*.
- Chapter 167 of Town Code addresses the reason why this cell tower should not be located in the wetland buffer zone.
- 9) On the Tectonic Report/Section 6.0/Page 5/Existing Functions report it states that *the existing wetlands are associated with ephemeral streams that flow into the Muscoot River, which empties into the Croton Reservoir, which supplies New York City Reservoir*.
- This is what the applicant is explaining to the town.
  - Why is this application being entertained (in the wetland buffer)?

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 23**

**Old Business:**

**E) Homeland Towers/Santaroni:**

10) The Goals and Objectives of the Mitigation Plan states that it is *to improve protection of the wetland streams and in turn the watershed.*

- This statement is fictitious it should be removed.

11) On Page 16/In Conclusion the report states *this project will enhance the existing wetland buffer to promote Biodiversity and improve protection for the water supply.*

- It seems awkward to have that statement there as the entire project is in the wetland setback and the applicant is not protecting anything.

12) On Site Plan/Z-2 it states *204 ft. to closest edge of nearest dwelling*; the Town Code states it should be 500 ft. The applicant did not compute the distance line to both residences on the property; one was mapped but not the other.

- The distance line should be reflected from all residences on the property; the main house was not measured.

13) On Page Z-3/Setback map, it references the variance (4) that are required for this project. They are the lot area variance, proposed building setbacks for the equipment variance, minimum distance requirements for wireless telecommunications facility for height, maximum height for the facility – structure height variance.

- However, another variance (#5) should be added for dwellings that would be less than 500 ft. from the tower, which would include approximately 3 to 5 dwellings.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 24**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- 14) On Page Z-3/Setback map/Notes #1 it states *that the location of the proposed pole is greater than 500 ft. from the nearest property line of any school, place of worship or daycare facility.*
  - However, the applicant left off 'dwelling' from his review.
  
- 15) On Page Z-4 the applicant is taking down many large trees in the wetland buffer area (24", 26", 28" trees).
  - An excessive number of old growth trees are going to be cut down in a pristine area of the buffer.
  - There is a note that states *each tree to be removed is located in the 100 ft. buffer*, approximately 32 trees in all.
  
- 16) On Page Z-6/Mitigation note #6 states that *construction activities will take place within the dripline of some of the trees.*
  - This statement is incongruent with #7 following this statement *in an effort to preserve the health of existing trees care will be taken during all construction activities.*
  - The applicant will kill the tree if they drive over the dripline, as the roots will be compacted. The tree will be dead in two years.
  - The application needs clarity. Is the applicant preserving the trees or are they cutting them down.
  
- 17) On Page Z-12A/Excavation/proposed installation of a retaining wall for support/there is a 17-ft. high-grade difference that includes the retaining wall, which will be accomplished using a machine.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 25**

**Old Business:**

**E) Homeland Towers/Santaroni:**

- This is excessive and too much disturbance on such sensitive land (wetland buffer).

18) On Page Z-15/Tree Protection/Note #3 the document states *limit of construction and there is orange fencing with stakes protecting all of the trees.*

- However, this effort is wasted if the applicant is going to compact any area of the dripline of the trees to be protected.
- The tree protection information is inaccurate.

The Conservation Board will continue to review this application for Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T) as revisions are submitted.

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The Board members took no further action at this time.

**F) MetroPCS New York @ Towne Centre/Site Plan/Planning Board dated April 6, 2011, Section 17.15, Block 1, Lot 13; Proposed Co-Location of Wireless Telecommunications Facility (NY6136); Application for Special Permit, Site Plan Approval, Wetland Permit, Stormwater Management, Erosion-Sediment Control Permit, Special Permit for Groundwater**

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 26**

**Old Business:**

- F)** Protection Overlay District Activity; Proposed Stormwater Pollution Prevention Plan dated 4-6-11; As-Built Survey dated 12-21-10; T-1/Title Sheet; CM-1/Constraints Map; SM-1/Soils Map; SP-1/Overall Site Plan; SP-2/Enlarged Site Plan-South; Sp-3/Enlarged Site Plan-North; Sp-4/Stormwater & Sec Plan; Sp-5/Wetland Mitigation Plan; A-1/Compound Plan & Elevation; C-1/Equipment Plan, Details & Specs; S-1/Structural Details & Specs; Prepared by Cuddy & Fedder, LLP, (#325 Rte. 100/Somers Towne Centre): (GM  
The Conservation Board reviewed the above Planning Board application for MetroPCS New York @ Towne Centre site plan, proposed co-location, wetland permit, stormwater management plan, erosion-sediment control permit, constraints map, soils map and groundwater protection overlay permit 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.

\*

Report:

- The Chair noted that there are no distance measurements from the cell tower to the church property or the daycare facility.
- He said that there are also no distance measurements from the proposed residential project of Alexan Woods (and shopping center) that is located adjacent to the site. The plans submitted do not mention the proposed project that has been before the Town Board for some time now. The applicant should be made aware that there is a pending project for that area and therefore they need to measure the distance requirements towards that project.
- Chairman Meixner noted that the scope of these projects should be reviewed holistically using a wider range than the applicant is taking into consideration.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 27**

**Old Business:**

**F) MetroPCS NY @ Towne Centre:**

- He advised the Board that the existing detention pond that comes from the parking area is emitting an odor. This problem should be examined prior to the approval of any new application in that area.

Board member John Purcell mentioned that there is garbage located in the rear area and that emits a smell also.

- Chairman Meixner informed the Board that the firemen's field where the children play soccer has not been measured with regards to distance from the cell tower and in fact it is not shown on the plans submitted.
- The Chair explained that the applicant is proposing to remove the trees that they just planted in order to build another area closer to the existing building. As we have said before the applicant should have a completely built-out plan when they first apply for a permit to build a cell tower.

\*\*

Board member John Purcell advised that if ten years went by and technology changed then there would be a good reason to revisit the site and make changes, but the applicant should not be taking out the trees that they just planted in such a short period of time.

Chairman Meixner specified that it was only a short time ago that the applicant planted those trees near the cell tower.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 28**

**Old Business:**

**F) MetroPCS NY @ Towne Centre:**

Discussion ensued among the Board members with reference to this application and the proposed changes to the existing landscape and they decided to write a memo to the Planning Board stating their concerns.

\*

A memo (#11-22) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for MetroPCS New York @ Towne Centre, site plan, stormwater pollution prevention plan, overall site plan, constraints map, soils map and wetland mitigation plan at their meeting on April 26, 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 scope of this cell tower project should be reviewed holistically using a wider range than the applicant is taking into consideration.
- 2) The Board members note that there are no distance measurements from the cell tower to the existing church property or the daycare facility.
- 3) There are no distance measurements from the proposed residential project of Alexan Woods (and shopping center) that is proposed to be located adjacent to the site.
  - The applicant should be made aware that there is a pending project for the adjacent area.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 29**

**Old Business:**

**F) MetroPCS NY @ Towne Centre:**

- The applicant should measure the distance requirements towards the proposed homes and shopping center.
- 4) The Firemen's field where the children play soccer has not been measured with regards to distance from the cell tower.
  - The Fireman's field is not shown on the plans submitted.
- 5) The existing detention pond that comes from the parking area is emitting an odor.
  - This problem should be examined prior to the approval of any new application in that area.

The Conservation Board will continue to review the MetroPCS NY @ Towne Centre site plan as revisions are submitted.

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The Board members took no further action at this time.

**New Business:**

- A) Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T) 2580 Rte. 35/Santaroni, Site Plan/Planning Board/Letter of Authorization/Ch. 67 Application-Processing Restrictive Law/Memo dated 4-14-11 from R. Gaudio, Esq., Color Constraints Map-Soil**

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 30**

**New Business:**

- A)** Types/CC-1; Color Constraints Map-Wetlands & Steep Slopes/CC-2; Prepared by Snyder & Snyder, LLP, (#2580 Rte. 35/Santaroni): (JP)  
The Conservation Board will review the above Planning Board application for Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T) 2580 Rte. 35/Santaroni, site plan, color constraints map-soil types, color constraints map-wetlands, steep slopes at their next meeting.

Board member John Purcell 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/Planning Board, Section 48.18, Block 1, Lot 10, Cover Letter dated 4-18-11, Stormwater Pollution-Prevention/S-1; Elevations/S-4; Prepared by Spearman Architectural Design, PC, (#102 Moseman/So side-intersection Stuart Lane): (JM)  
The Conservation Board will review the above Planning Board application for 102 Moseman LLC/Gaggini, wetland stormwater management, erosion-sediment control permit and stormwater pollution prevention 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.

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

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 31**

**New Business:**

- C)** Sussmann Mobil Station/Site Plan/Planning Board, Mitigation Plan/MP-1, Evans Associates; Existing Conditions/SP-2; Site Plan "A"/SP-3; Erosion Control-Construction Staging/SP-6; Sand Filter-Other Site Details/SP-7; Additional Site Details/SP-8, Prepared by Van Lent Architects & Planners, Bibbo Associates, revised 4-13-11; Evans Associates/Mitigation Plan dated 4-14-11, (Rte. 100/across from IBM):  
(GM)

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station, site plan, erosion control-construction staging, sand filter and site details at their next meeting.

Chairman Gary Meixner 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.

- D)** MetroPCS NY @ Towne Centre/Site Plan/Planning Board dated 4-19-11, Letter Cuddy-Feder dated 4-19-11; Stormwater Pollution-Prevention Plan dated 4-19-11, Prepared by EBI Consulting; Title Sheet-Index/T-1; Constraints Map/CM-1; Soils Map/SM-1; Overall Site Plan/SP-1; Enlarged Site Plan-South/SP-2; Enlarged Site Plan-North/SP-3; Stormwater-Sec Plan/SP-4; Wetland Mitigation Plan/SP-5; Compound Plan-Elevation/A-1; Equipment Plan-Details-Specs/C-1; Structural Details-Specs/S-1; Prepared by Cuddy & Feder, LLP, (#325 Rte. 100/Somers Towne Centre): (ML)

The Conservation Board will review the above Planning Board application for MetroPCS NY @ Towne Centre, site plan, stormwater pollution-prevention plan, constraints map, soils map, wetland mitigation plan and details at their next meeting.

**Conservation Board  
Minutes of Meeting  
April 26, 2011  
Page 32**

**New Business:**

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

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.

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There being no further business to discuss, a motion to adjourn was made at 9:25 PM by Board member James Moriarty and seconded by Board member John Purcell. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on May 10, 2011 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on May 24, 2011 and June 14, 2011 respectively.

**Conservation Board**  
**Minutes of Meeting**  
**April 26, 2011**  
Page 33

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