

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
MAY 10, 2011**

The May 10, 2011 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

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

Absent: Shoshana Hantman, John Purcell

Guests: None

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 Eric Evans emailed the C.B. Secretary to inform her that he would be resigning from the Conservation Board effective immediately.

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Approval of Minutes:

A motion was made by Michael La Gue and seconded by James Moriarty to approve the minutes of the April 26, 2011 regular meeting of the Conservation Board. All members present approved.

The Board members made no changes to the Conservation Board Minutes of April 26, 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 at their meeting tonight.

The Board members have been waiting to hear about the State DOT granting the permit for the driveway to the new garage.

Ms. Davis noted that she received a copy of the State DOT permit for Guerrero from Engineering Secretary Wendy Getting. She produced a copy of the permit and map for the Board to review at the meeting.

Chairman Meixner read from the document stating that *the permit is issued based on all local, state and federal requirements being satisfied.*

Board member Michael La Gue inquired about the date of the permit and asked if there was going to be a pipe installed under the driveway where the driveway meets the road (Rte. 100).

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Old Business:

A) Guerrero/DOT Permit:

Chairman Meixner noted that there would have to be (according to the documents provided) a swale installed to promote/not impede the water flow along the side of the roadway. He mentioned that a swale was located there previously.

C.B. Secretary Ms. Davis inquired about the swale.

Board member La Gue said that it would be somewhat like a trench at the bottom of the driveway.

Chairman Meixner explained that it would be like an open gutter located at the end of the driveway. However, he informed the Board that the area would need to be filled in somewhat in order to facilitate the installation.

Discussion ensued among the Board members with reference to the permit process for this application and the extent of time that it took for the State to grant the permit. The Board members were wondering if the applicant applied for the permit prior to the installation of the driveway or afterwards.

Chairman Meixner said that there is a concrete gutter underneath the fill at the end of the driveway. However, the applicant had to put dirt in there in order to gain access during the construction phase of the garage.

Board member La Gue noted that it appears that the applicant will be driving into a ditch in order to get into his driveway.

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Old Business:

A) Guerrero/DOT Permit:

The Chair noted that a pipe would be too high and there would be a hump causing the water to flow into the road. He reiterated that the applicant would have to remove the dirt and access the concrete gutter for use as it still remains under the end of the driveway.

Some discussion took place with regards to the applicant and the permitting process as well as the swale that is proposed for the end of the driveway.

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.

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.

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Old Business:

B) CEA/Report:

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 and a memo (#11-14 dated March 18, 2011) was sent to the Planning Board stating the C.B. concerns and recommendations. The Board reviewed the application at their meeting tonight.

C.B. Secretary Ms. Davis mentioned that she had seen the recent Planning Board meeting and it appeared that the applicant received the permit for the lot line change and subdivision approval for the transfer of ownership on April 27. She noted that there were no plans for building presented at this time.

Board member Dr. Edward Merker had performed a site inspection of the parcel and gave a report to the Board.

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Old Business:

C) Heritage Hills/Subdivision/Sewage:

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Report:

- Dr. Merker informed the Board that he walked the property earlier in the spring and observed that there was standing water in the front area of the property.
- He said that he looked at parcel recently and advised the Board that the area he observed formerly that contained standing water did not appear to have water ponding now.
- Dr. Merker informed the Board members that seasonal rain or snowmelt could have caused the standing water he observed in early spring.
- He noted that according to the information provided the delineation of the wetland follows the edge of the stream. He discussed the C.B. memo for this application and noted that it was sent to the Planning Board.

Board member Michael La Gue specified that there was no setback for the lake in the area to be broken off from the Sewer Company on the corner of Warren Street and Rte. 202.

- Dr. Merker agreed and advised that the plans did not include a 100-ft. wetland buffer from the lake. He went on to say that at the time of his site inspection there was standing water at the front part of the property and not in the area that was delineated on the plan submitted. He demonstrated to the Board members what he was discussing by showing photos from his site inspection.

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Old Business:

C) Heritage Hills/Subdivision/Sewage:

- He explained to the Board members that the area in question is very overgrown at this time and noted that from Rte. 202 there are a couple of places where access could take place.
- Dr. Merker went on to say that some of the areas have dried out, but there should be wetland vegetation and a soil evaluation that should be assessed by a professional to see if the front of the lot is in fact a wetland.

Board member James Moriarty advised the Board that if there is hydric soil present in the area then it could be considered a wetland.

Discussion ensued among the Board members with reference to the wetlands on the property and subdividing the parcels for possible future development.

This item will remain on the C.B. Agenda until such time as the Board members decide to remove it from the agenda.

The Board members took no further action at this time.

**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**

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Old Business:

D) Mitchell Subdivision:

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 formerly a Conventional Subdivision plan and now submitted as a Conservation Subdivision plan, stormwater details and erosion control plan at their meeting tonight.

Board member James Moriarty compared the former site plan, which was proposed as a conventional subdivision to the submission of a new site plan that is a proposed conservation subdivision.

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Report:

- Mr. Moriarty informed the Board that the C.B. had requested that the applicant consider a three-lot subdivision instead of four due to the environmental constraints on the parcel.
- This application is a resubmission of the original site plan and is now proposed as conservation subdivision he said. It appears that the applicant according to the plans submitted has left the back area of the parcel as open space.
- Mr. Moriarty explained that the C.B.'s original comments to the applicant based on the conventional subdivision (4-lot) appear to have been ignored by the applicant in this new proposed conservation submission as non of our requests were fulfilled.
- He noted that the applicant in an apparent effort to keep the fourth lot simply pulled everything to the front of the parcel and reduced the road size.

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Old Business:

D) Mitchell Subdivision:

- He advised the Board that the applicant condensed everything and pulled it out of the very steep slopes and into the front portion of the property. Generally speaking he said that there does not appear to be anything new on the submitted application and associated plans.

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Chairman Meixner referenced the fact that on the original plans the applicant neglected to incorporate a turn around for emergency vehicles. He asked if the applicant proposed a common driveway or town road in the revised subdivision.

Board member Moriarty responded that the roadway is proposed as a common driveway only.

- 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.
- He went on to say that the applicant neglected to incorporate the steel stakes with wire mesh backing and filter fabric overlay as was proposed by the Board.
- Mr. Moriarty noted that on Page D-1 the applicant should correct what appears to be a typo - there is a section that states *porous vament* and it should probably say 'porous pavement' he said.
- On Page EC-1 and Page PP-1 there are also spelling errors that should be corrected by the applicant he said.

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Old Business:

D) Mitchell Subdivision:

- Board member Moriarty said that in effect the applicant took a spread out four-lot development and condensed it into a tight four-lot development.
- He pointed out that there continues to be four lots with four houses and substantial alterations on steep slopes.
- He stressed that the Board's original comments remain as they have not yet been addressed and the recent C.B. memo continues to apply. It appears that the applicant did not incorporate any of the C.B. recommendations he said.
- Mr. Moriarty advised that one additional comment he found is that the practice of taking all of these lots and jamming them into one site on a flag lot is obsolete and most towns in the area are not considering this type of development.
- He explained that in general the flag lots with common driveways have been discontinued from Long Island to upper New York and Connecticut. It is considered poor land usage he said. He referred to the Town Code to back up his report and mentioned that it clearly states that *parcels should not be overdeveloped* and that is what is taking place here.

Chairman Meixner said that the town has had problems with the common driveway that is located off of Warren Street.

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Old Business:

D) Mitchell Subdivision:

Some discussion took place among the Board members concerning 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 dated August 4, 2010 #10-28, where they denied the application as proposed.

Chairman Meixner brought up the fact that the common driveway will bring up many legal issues as well as emergency vehicle concerns such as the fire department and ambulance as well as just ordinary delivery trucks, etc.

The Board members agreed that the memo written to the Planning Board at the last meeting continues to be viable (#11-23/dated May 6, 2011).

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 of Authorization/Ch. 67 Application Processing Restrictive Law/Memo dated 4-14-11 from R. Gaudio, Esq., Color Constraints Map – Soil Types/CC-1; Color Constraints Map – Wetlands & Steep Slopes/CC-2; Prepared by Synder & Synder, 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); Santaroni/2580 Rte. 35, site plan, color constraints map, soil types, wetlands and steep slopes at their next meeting.

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Old Business:

E) Homeland Towers:

As Board member John Purcell was not able to attend the meeting tonight further discussion on this application will be tabled until May 24.

Board member John Purcell will review the materials submitted, performed a site inspection of the property and gave a report to the Board.

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

- F) 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 reviewed the above Planning Board application for 102 Moseman LLC/Gaggini, wetland stormwater management, erosion-sediment control permit and stormwater pollution prevention 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:

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Old Business:

F) 102 Moseman LLC/Gaggini:

- Mr. Moriarty explained to the Board members that this application involves a resubmission of an application for a single home development and pond renovation/restoration.
- The applicant revised the plans to include some items that the Conservation Board and the Planning Board had requested he said.
- Mr. Moriarty informed the Board that the following comments are all related to the erosion control.
- Board member Moriarty stated that the applicant revised the construction entrance with an anti-tracking pad to keep the dirt out of the road and streams (as was requested by the C.B).
- On the stockpile of soil he advised that some additions were made for erosion control and sediment control on the piles.
- Mr. Moriarty commented to the Board members that in general the applicants have been responsive to all of the requests made by the Town.

Discussion ensued among the Board members with reference to this application and the responsiveness of the applicant. The Board agreed that this applicant was trying to comply with all of the involved agencies, which is a good thing.

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Old Business:

F) 102 Moseman LLC/Gaggini:

The Board members took no further action at this time.

G) 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 reviewed the above Planning Board application for Sussmann Mobil Station, site plan, erosion control-construction staging, sand filter and site details 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:

- Chairman Meixner advised the Board members that he performed a site inspection of the property on April 28, 2011 around 1:20 PM.
- He explained that the applicant proposes to stockpile soil in the rear area of the property on the southwest corner of the construction area, which appears to drain into the catch basin.

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Old Business:

G) Sussmann Mobil Station:

- The Chair specified that the stockpile of soil should be located in the northwest corner primarily because the ground water drains to the other location (southwest).
- He said that even though there would not be excessive amounts of soil, it would still be a better proposal to have the stockpile in the northwest corner of the construction area.
- Chairman Meixner informed the Board that the applicant should employ steel stakes with wire mesh backing and filter fabric overlay. The application says *wooden or steel stakes*. He said that it should not say wooden especially since pavement would be involved; it should say 'steel stakes into the pavement'.

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Board member Moriarty inquired as to whether or not the applicant cut down the Spruce trees, mentioning that he thought they cut them down, but they appear on the plans submitted.

The Chair responded that the applicant might be planting new trees along the property line in the same general area as the former ones. He suggested that the question be put to the applicant in a memo along with the other two points.

Some 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 and recommendations.

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Old Business:

G) Sussmann Mobil Station:

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A memo (#11-24) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station site plan, mitigation plan, erosion control and site details at their meeting on May 10, 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) According to the plans submitted the applicant proposes to stockpile soil in the rear area of the property on the southwest corner of the construction area.
 - The southwest corner of the area appears to drain into the catch basin.
 - The applicant should locate the stockpile of soil in the northwest corner of the construction area.
- 2) The applicant should employ steel stakes with wire mesh backing and filter fabric overlay.
 - The application says *wooden or steel stakes*.
 - As pavement would be involved, it should say 'steel stakes into the pavement'.
- 3) The plan submitted portrays Spruce trees in the rear area of the property (along the hillside).

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Old Business:

G) Sussmann Mobil Station:

- The Board would like to know if the applicant intends on planting new trees along the rear portion of the property as shown on the plans submitted.

The Conservation Board will continue to review the application for Sussmann Mobil Station site plan as revisions are submitted.

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The Board members took no further action at this time.

H) MetroPCS New York @ Towne Centre/Site Plan/Planning Board dated April 19, 2011, Section 17.15, Block 1, Lot 13; Proposed Co-Location of Wireless Telecommunications Facility (NY6136); 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 & Fedder, LLP, (#325 Rte. 100/Somers Towne Centre): (ML)

The Conservation Board will review the above Planning Board application for MetroPCS New York @ Towne Centre site plan, proposed co-location, stormwater pollution prevention plan, constraints map, stormwater-sec plan and wetland mitigation plan at their next meeting.

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Old Business:

H) MetroPCS NY @ Towne Centre:

Mr. La Gue asked that this item be tabled until the Board meeting on May 24.

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

Discussion ensued among the Board members with reference to several aspects of this application.

Chairman Meixner inquired about the recent submission to the Board. He asked if Board member La Gue could review the application by the next meeting.

He went on to say that he made a comment at the last meeting that the applicant needs to do something with the retention pond and also show the distance from the day care center which appears to exceed the 500 ft. allowance.

Board member La Gue agreed.

The Board members discussed the application briefly among them and decided to table further review until their next meeting.

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 9:30 PM by Board member Dr. Edward Merker 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 May 24, 2011 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on June 14, 2011 and June 28, 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