TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
OCTOBER 12, 2010

The October 12, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Eric Evans, Dr. Edward Merker, James Moriarty, John Purcell, Gary Meixner

Absent: Shoshana Hantman, Michael La Gue

Guests: **Town Board/**Richard Clinchy
Condo 14/Michael O'Connor/Richard Viggiano

Announcements:

Board member Shoshana Hantman emailed the C.B. Secretary to inform her that she would not be able to attend the meetings on October 12 and October 26, 2010.

Announcements:

Board member Michael La Gue emailed the C.B. Secretary to inform her that he would not be able to attend the meeting on October 12, 2010.

Board member Dr. Edward Merker emailed the C.B. Secretary to inform her that he would be late for the meeting tonight.

Approval of Minutes:

A motion was made by James Moriarty and seconded by Eric Evans to approve the minutes of the September 28, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of September 28, 2010 on page 4.

Chairman Gary Meixner amended the Conservation Board Minutes of September 28, 2010 on pages 9, 13 and memo #10-37.

Old Business:

A) Guerrero/#213 Rte. 100/Update-Site Inspection; Building Inspector; New York State-DOT; Principal Engineering Technician: (GM)
The Conservation Board discussed the above administrative application for Guerrero regarding Chairman Meixner, a recent site inspection and follow-up on information concerning the parcel.

Old Business:

A) Guerrero/213 Rte. 100:

Chairman Meixner informed the Board that he had been trying to contact the New York State DOT. They were concerned about the runoff from the property going onto the roadway (Rte. 100) and the fact that the State does not usually allow two accesses for the same property. He said that they try to cut down on possible hazards and potential accidents by keeping the driveways with one access only.

The Chair noted that he spoke to the Principal Engineering Technician Mr. Woelfle and explained what the State told him about the project. Mr. Woelfle responded that the correspondence from the State suggests that they had the application.

Chairman Meixner also spoke to the Building Inspector, Efrem Citarella who explained that the letter from the State DOT said that the applicant did have an application before them. However, the Chair did not think that it was the latest application that came before the Board.

Board member Eric Evans noted that an application is not an approval.

Chairman Meixner said that he was under the impression that the applicant would need all approvals (from the State DOT) before he could construct the building. However, this case clearly does not follow that rule he said.

Old Business:

A) Guerrero/213 Rte. 100:

Board member Evans advised that the applicants are almost finished with the project and they may have to use the property without the additional street access. The applicant might have to reconfigure the driveway he said. He went on to say that he does not think that denial of the street access would necessitate taking the structure down as long as it is built properly and safely according to code.

The Chair said that the applicant submitted it as a garage with storage upstairs, however, now it is going to be an office. The DOT is waiting for the applicant to resubmit the plans and to date they say that they have not received them.

Board member Evans asked if there was running water?

Chairman Meixner responded that he did not know about that feature.

Mr. Evans noted that the Board's focus should be on the fact that there is no erosion control measures. He explained that there is no filter fabric or mesh to slow down the runoff from the structure. The entire corner of the property or at least the 10 to 20 yards surrounding the structure is dirt and mud with a cliff behind it and it is located within 300 ft. of the reservoir.

Old Business:

A) Guerrero/213 Rte. 100:

The Chair specified that there was a wall that was supposed to go up to the second floor, but they did not follow the original plans. They seem to change things as they go. He reiterated that he thought that all approvals should be in place before construction of the driveway.

Discussion ensued among the Board members with reference to the Town Code and the availability of looking things up on line.

Town Board member Clinchy interjected that the Town could put a computer in the room for the Board's use in order to look up the pertinent town codes for the applications. If that is necessary he said that he would let the Supervisor's Administrative Assistant know and she would take care of it, however if there were a computer in the room it would have to be locked up at night he said.

Board member Evans said that what he sees happening on the Guerrero property is something called "stripping" which is any activity that removes the vegetative surface or cover including trees removal, clearing, storage or removal of any topsoil. The applicants have cut and cleared everything from that area including the grass, the undercover, tree removal, etc. everything appears to be cut and cleared from that area.

Chairman Meixner was wondering about what was required from an application of this sort.

Old Business:

A) Guerrero/213 Rte. 100:

Board member Evans says there is an exempt activity, which does not have to apply for a stormwater management or erosion-sediment control permit. It involves an accessory structure, such as a shed, which is less than 1000-sq. ft. in size. He went on to say that he does not know the square footage of that structure on the Guerrero property. Do we have a set of plans?

Board member Moriarty said that the applicant would have to determine whether or not the space upstairs applies or not. If it is storage than it does not apply, however if it were an office than it probably would be considered part of the square footage for the building.

Chairman Meixner said that he thought square footage was anything above grade.

Mr. Evans said that it is imperative that the applicant considers some type of erosion control as a barrier to the street. He said that the grade runs towards Rte. 100 from the back of the property and noted that the street with storm gutters could get overburdened. If it crosses the street than it would be more highly regulated because of the reservoir. He explained that access or no access these matters have to be addressed.

Chairman Meixner said that the State was concerned with the runoff.

Old Business:

A) Guerrero/213 Rte. 100:

Board member Evans agreed and said that the C.B.'s concerns at least parallel that of the State's concerns. He said that the Board should make a recommendation by memo that these are our observations and concerns.

Chairman Meixner agreed and said that we should ask for clarification of what has been approved by the State. Has a driveway permit been obtained, also, correspondence from the DOT to the Town Engineering office and Building Inspector pertaining to the driveway and drainage. He went on to say that the erosion control measures should be inspected as we did not observe any visible erosion control, silt fencing (steel posts) or haybales.

Some discussion ensued among the Board members with reference to this application and the erosion control measures and they decided to write a memo to the Principal Engineering Technician and Building Inspector.

The Board discussed using the Town Code and having that information easily accessible for the meetings.

Town Board member Clinchy mentioned that the Town Board is considering obtaining Town Code books that are less expensive, which could facilitate copies that could be used by the Board.

Old Business:

A) Guerrero/213 Rte. 100:

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A memo (#10-38) will be sent to the Principal Engineering Technician and Building Inspector stating that the Conservation Board reviewed the above Administrative application for Guerrero, #213 Rte. 100 at their meeting on October 12, 2010.

The Board members have been discussing this application for the past several weeks. They have reviewed materials submitted and performed several site inspections of the property, as well as discussed the application among them.

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

1) The Board did not observe any visible erosion control measures on this property, including silt fencing or haybales.

- Is there any erosion control measures on the parcel?
- Erosion control is necessary on this parcel due to the proximity of Rte. 100 and the Reservoir.
- The Board recommends that the applicant employ steel stakes, with welded wire mesh backing and filter fabric overlay.

2) Has the applicant obtained a driveway permit from the State DOT?

- We would appreciate seeing a copy of the permit if it is available.

Old Business:

A) Guerrero/213 Rte. 100:

3) Has there been correspondence from the State DOT to the Town Engineering office and/or Building Department pertaining to the driveway and drainage?

- We would appreciate a copy of these documents, if they are available.

The Conservation Board will continue to review the Guerrero property for compliance with Town Code.

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The Board members took no further action at this time.

B) Postcard/Cornell University/(from Correspondence)/re: Survey *Climate Change in New York State*, 607-255-3786/C.B. received survey after C.B. Secretary called them on August 6, 2010: (EM)
The Conservation Board tabled discussion on the above matter, as Board member Dr. Merker was not present at this time to give a report. He mentioned that he would be late for the meeting tonight.

Old Business:

B) Postcard/Survey Global Warming:

This matter was tabled until the next Conservation Board meeting.

The Board members took no further action at this time.

C) Sussmann Mobil Station/Site Plan/Planning Board/Preliminary First Floor Plan, Basement Plan & Building Elevations/SP-5 dated November 18, 2007, revised September 3, 2010, Prepared by Van Lent Architects & Planners; Stacking Plan with Fuel Delivery/CP-2R dated February 9, 2010, revised August 20, 2010, Prepared by John Collins, Engineers, PC, *(Rte. 100/across from IBM)*: (JM)
The Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station site plan, stacking plan with fuel delivery and basement plan at their meeting.

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

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Report:

Old Business:

C) Sussmann Mobil Station:

- Board member Moriarty informed the Board that there are two issues that are not in the C.B. purview, i.e. the preliminary first floor plan, the basement plan and the stacking plan.

- However, Mr. Moriarty noted that there are trees located on the site plan submitted in the applicant's back yard and the key should say existing or proposed. It looks like the trees did exist, but they were cut down and there was no mention of that on the plans submitted.

- The plan needs to be resubmitted to the Planning Board and the applicant should revise the plan to adapt to what is there on site. The plan should match the site activity, which in this case should reflect that the trees have been taken down.

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Some discussion ensued among the Board members and they decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#10-39) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station, site plan, first floor plan, basement plan, building elevations and stacking plan with fuel delivery at their meeting on October 12, 2010.

Old Business:

C) Sussmann Mobil Station:

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 site plan submitted exhibits a row of trees in the applicant's backyard behind the gas pumps and above the existing pond.

   - Subsequently, the trees have been cut down and there was no mention of that activity on the plans submitted to the Board.
   - The applicant needs to adapt the plan to what is taking place on the property; the plan submitted should be accurate.

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

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The Board members took no further action at this time.

Old Business:

D) BVS Acquisition Company, LLC/aka Chase Bank-fka Bank of America; Site Plan/Planning Board dated September 16, 2010; Memo to Planning Board dated 9-16-10; PID #13741; New Build Program, Signage; Floor Plan; Monument dated 9-15-10; Prepared by Hocherman Tortorella & Wekstein, LLP, *(#95 Rte. 6/Baldwin Place)*: (GM)
The Conservation Board reviewed the above Planning Board application for BVS Acquisition, aka Chase Bank site plan, memo to Planning Board, signage and new build program at their meeting.

Chairman Gary Meixner reviewed the materials submitted and gave a report to the Board.

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Report:

- The Chair noted that the application was originally brought forth by Bank of America and now instead it will be changing to Chase Bank. Chase, the new applicant asked for an extension of the existing approval process that was started by Bank of America just before it expired.

- The applicant (Chase) submitted new drawings for the signage as they realized that the sign did not conform to Town ordinance.

- Chairman Meixner informed the Board that the proposed original sign for the site was too large and did not conform to Town Code. He said that the original was approximately 24 ft. high and was reduced to approximately 10 ft. by the new applicants (Chase).

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Old Business:

D) BVS Acquisition/aka Chase:

Chairman Meixner mentioned that the Board requested sidewalks around the building to the bus stop and Rte. 6 in their last memo.

Town Board member Clinchy inquired about the proposed sidewalks.

C.B. Secretary Ms. Davis said that she emailed the previous memos to the Supervisor's Secretary Barbara Sherry and she will email them to the Town Board in the near future, if she hasn't done so already.

C.B. Secretary Ms. Davis inquired about the Critical Environmental Area status of Baldwin Place being lifted. She mentioned that it was one of the Conservation Board's concerns that were stated in the memo.

Town Board member Clinchy said that that status for the area has been lifted.

Chairman Meixner said that he was concerned about the dirt on site that is to be removed. He is concerned about the disturbance of the dirt and possible contamination.

Old Business:

D) BVS Acquisition/aka Chase:

Town Board member Clinchy said that he does not know or remember anything in the report about the dirt as a concern except that there are on going reports on the water table.

Board member Eric Evans said that when the use of the property was discontinued as a gas station, did the owner remove the tanks or test the soil?

Board member John Purcell responded that the tanks are still located there to his knowledge. Whatever was left there still stands.

Chairman Meixner said that he does not know if the tanks have been removed, but if not they will have to be removed.

Board member Purcell said that he does not think that the tanks have been removed. He noted that there is the original driveway and work area that the renter had there before.

Board member Evans mentioned that the State DEP should have an open file on this property.

Old Business:

D) BVS Acquisition/aka Chase:

Chairman Meixner said that he believes that the DEP was an involved agency.

Board member Purcell inquired as to who would be the liable party for removal of the tanks.

Mr. Evans responded that transfer of responsibility could go to the new owner, but the new owner would have to be on board with that for the liability, sometimes it is done.

Town Board member Richard Clinchy said that the site, not the shopping center, owns the driveway on the side where the new construction is going. Whether or not it extends to this development he does not know. Does that border the site?

Mr. Purcell responded that there is a dry well where McDonald's use to be and that separates the two parcels. The former Sunoco station does not touch the driveway. It must be separate. He asked if the gas station would have any problems with the soil, etc. and contamination of the old shopping center.

Chairman Meixner said that it is a good point, they do not know, but the process is moving forward so it can be determined.

Old Business:

D) BVS Acquisition/aka Chase:

Discussion ensued among the Board members with reference to this application and where or not they would need to send an additional memo to the Planning Board.

The Board members took no further action at this time.

E) Naclerio/Site Plan/Planning Board dated 9-13-10, Section 4.20, Block 1, Lot 7; Grading & filling for yard around existing building; Steep Slope Alteration Permit; Erosion-Sediment Control Permit; Full EAF; Soils Map; Survey of Property/Lee Archer-1984; Current Conditions Plan S-1; Proposed Conditions Plan, Details & Notes S-2; Prepared by Insite Engineering, Surveying & Landscape Architecture, PC, *(#75 Rte. 6/So. from Baldwin Place on right side/before Mahopac Avenue)*: (JM)
The Conservation Board members reviewed the above Planning Board application for Naclerio site plan, steep slope alteration, erosion-sediment control, full EAF and soils map 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:

Old Business:

E) Naclerio/Site Plan:

- Board member Moriarty informed the Board that the subject property is located at #75 Rte. 6.

- He explained that the parcel previously exhibited 15 to 25% steep slopes before the violation, and before the applicant moved a large amount of fill onto the rear portion of the property. The fill caused a violation to be imposed on the parcel due to unregulated filling, steep slopes Chapter 148.2 A.

- Board member Moriarty said that the applicant had a moderate steep slope and by their actions they made it a severe steep slope.

- Mr. Moriarty went on to say that the fill that was put on the property has asphalt and brick in it and is not clean fill (on the surface). The applicant's asked that the company that installed it (Bronx County Recycling, Bronx, NY) test the soil. The soil should be tested he said, but a third party should do the testing.

- Board member Moriarty explained that there was a silt fence installed in the rear portion of the property, but it was not done correctly and it has fallen down in approximately five locations. It is currently dysfunctional and is allowing sediment to drain off the property.

Old Business:

E) Naclerio/Site Plan:

- Mr. Moriarty said that the applicant should install silt fencing that incorporates steel stakes (every 8 ft.) with welded wire mesh backing and filter fabric overlay.

- Several trees were cut down that were 24 inches or more in diameter he said. The applicant said that it was done because of the necessity to clear the trees after storm damage, but they left the trees there and they began filling the area. There are trees sticking out of the fill and the fill area looks to be encompassing the cut trees.

- Mr. Moriarty noted that there is a 24-inch oak tree on the property with six feet of fill burying the trunk. The tree will not last in this type of situation. The fill should be removed from the trunk of the tree as soon as possible.

Chairman Meixner inquired about the site on whether or not it is commercial?

Mr. Moriarty said that there used to be a Chiropractor on site, but right now it is being used as a residential dwelling with a camper in the backyard.

Old Business:

E) Naclerio/Site Plan:

- Board member Moriarty informed the Board that there is a survey from 1984 and it shows the well. Where the well head was located it looks to be buried or possibly abandoned, but it needs to be taken care of properly.

- On the EAF form it displays 1.5 ft. to the water table. He was wondering if that was accurate.

Chairman Meixner said that he thought it was accurate.

- Insite Engineering's letter dated September 13, 2010 said that the trees were removed due to wind damage. It says that they are working with the applicant to provide soil sampling from Bronx County Recycling.

- Mr. Moriarty said that he spoke with an Engineer from Insite Engineering, Mr. Jeffrey Contelmo, President of the Company and the letter dated September 13, 2010 needs to be clarified.

- The applicant is in violation of the following Town Code regulations and potentially subject to Chapter 156-8.A/penalties for offenses, subsection #1:

Old Business:

E) Naclerio/Site Plan:

1) Steep Slopes/Chapter 148-2.A/unregulated filling prohibited.
2) Chapter 102/flood damage prevention.
3) Chapter 102.D/filling, grading, dredging with may increase flood damage.
4) Chapter 156-4.A/tree preservation on very steep slope.
5) Chapter 167-4.B/wetlands/regulated activities.
6) Chapter 170/groundwater (1.5 ft. to water table).

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Board member Evans inquired about the zone that the property is located.

Mr. Moriarty responded NS Neighborhood Shopping.

Town Board member Clinchy inquired about the location of the property and asked if it was across from the proposed senior housing facility?

Mr. Moriarty responded in the affirmative.

Old Business:

E) Naclerio/Site Plan:

Board member Evans inquired about the process involved in sending the memo from the Conservation Board, who does the memo go to?

C.B. Secretary Ms. Davis said that the memo is generally sent to the Planning Board if the application comes from them. It is also sent to other involved agencies in town usually including the Town Board, Town Clerk, Principal Engineering Technician, Zoning Board, Open Space Committee, Architectural Review Board, Landmark Committee and in this case the Building Inspector should also receive a copy.

Discussion ensued among the Board members and they decided to write a memo to the Planning Board stating their recommendations and concerns.

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A memo (#10-40) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Naclerio site plan, steep slope alteration, erosion-sediment control, full EAF, details and notes at their meeting on October 12, 2010.

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:

Old Business:

E) Naclerio/Site Plan:

1) The applicant's property before the violation exhibited 15 to 25% steep slopes.

   - The applicant brought in fill in order to fill the back portion of the parcel, which made the moderate slopes into severe slopes.
   - This caused a violation to the property, unregulated grading or filling (Steep Slopes Chapter 148-2.A).

2) The applicant used fill that was combined with asphalt and brick. The soil obtained by the applicant was not clean fill.

   - The applicant referenced testing the soil in their recent submission.
   - This site testing of soil should be done by an objective third party, not an affiliate of the applicant.
   - The applicant should remove the soil/fill from the property.

3) The silt fencing was not installed correctly and upon site inspection, it was down in five locations on the property.

   - The erosion control measures need to be corrected by the applicant.
   - The applicant should install steel stakes (every 8 ft.) with welded wire mesh backing and filter fabric overlay.

Old Business:

E) Naclerio/Site Plan:

4) There were several trees cut down on the property some 24 inches and greater.

- The applicant left the logs/trees sticking out and began filling the area.
- It appears that the applicant is in the process of burying the trees in the fill area; this endeavor should not continue.
- The logs should not be buried in the fill area, they should be removed.

5) There is a 24-inch Oak tree with six feet of trunk area buried in fill.

- This tree will not live with six feet of trunk buried in fill.
- The fill should be removed from this tree trunk immediately.

6) An abandoned well head is located on the property that appears to be buried under the fill.

- Well heads need to be dismantled according to State/County law.
- The well head should not be buried.

7) The Board should not entertain this site plan based on Somers Town ordinance #156-8.A, which states that *no site plan shall be issued by any Town agency until such violation has been cleared up.*

- Chapter 148-2.A/Steep Slopes unregulated grading and filling.

Old Business:

E) Naclerio/Site Plan:

- Chapter 102.D/Control filling, grading, dredging and other development, which may increase erosion or flood damages.
- Chapter 102/Flood damage prevention.
- Chapter 156-4.A (6)/Trees/trees on very steep slope.
- Chapter 167-4.B/Wetlands/regulated activities.
- Chapter 170/Groundwater (1.5 ft. to water table).

8) The applicant should be penalized for the violation of Town Code.

- Chapter 156-8.A/Penalties for offenses, subsection #1.

9) Is this site a Commercial or Residential piece of property?

10) The Board would like clarification of the letter dated September 13, 2010.

- The Bronx County Recycling, who provided the fill, should not be involved in the soil testing for the site.

11) The C.B. was not involved in the process that recommended the Town Board give a Temporary Waiver of the Application Processing Restrictive Law to allow the applicant to submit a site plan.

Old Business:

E) Naclerio/Site Plan:

The Conservation Board will continue to monitor this situation, however, the site plan review process should cease until the applicant has removed the existing violations on the property and the court has levied a fine.

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The Board members took no further action at this time.

F) Somers Pointe Golf Club/Site Plan/Planning Board dated 9-17-10, EAF; OP-1 Overall Site Plan; Maintenance Area for Golf Club; SP-1 Site Plan; CM-1 Constraints Map, Steep Slope & Wetland Map/Soils Map dated 9-17-10; Survey of Property dated 10-9-96; Wetland Delineation Report dated 9-15-10; Prepared by Insite Engineering, Surveying & Landscape Architecture, PC, *(#1000 West Hill Drive/Heritage Hills/adjacent to H.H. Maintenance Yard)*: (EM/GM)
The Conservation Board reviewed the above Planning Board application for Somers Pointe Golf Club site plan, maintenance area for golf club, constraints map, steep slopes, wetland map, soils map and wetland delineation report at their meeting tonight.

Old Business:

F) Somers Pointe Golf Club:

Board member Dr. Edward Merker and 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:

- Board member Merker noted that the plans fail to show the adjacent wetlands on the neighboring properties. The steep slopes and wetlands are only shown in the area of the applicant's property, they stop at the property line. The plans should exhibit these features continuing onto the neighboring properties.

- He informed the Board that there is an area of storage trailers in the maintenance area of the Golf Club and the applicant would like to remove the trailers and put in a storage building and an outdoor vehicle storage area.

- Dr. Merker noted that there is multiple abandoned mechanical equipment presently on site, unprotected, rusting and rotting on the property.

- There are multiple storage trailers that are also rusting and deteriorating on the property (with roofs falling in) that contain mechanical equipment he said.

Old Business:

F) Somers Pointe Golf Club:

- Additionally, he advised that there are multiple storage 55-gallon drums on the east of the proposed building behind the cement block wall, adjacent to the building marked "Pesticides".

- Board member Merker and Chairman Meixner had a question: What is the definition of an outdoor vehicle storage area (referring to the applicant's plan)?

- The surrounding property drains to an existing Town regulated wetland area, which ends in the property and subsequently goes into a 30-inch pipe he said. Is this pipe adequate to handle the new construction drainage and the 100-year flood?

- Dr. Merker specified that in light of the abandoned equipment and deteriorating storage trailers, the C.B. recommends soil testing of the property to see if there is any contamination on site.

- Board member Merker informed the Board that the proposed area is above the existing Heritage Hills Maintenance area. He advised that the applicant should install oil separators at the outflow of the parking lot drainage system for the applicant's property and the existing maintenance area.

Old Business:

F) Somers Pointe Golf Club:

- The applicant's property drains into a retention pond that goes into an existing 15-inch pipe he said. The Board questions the ability of this pipe to handle the overflow.

- Dr. Merker noted that the wall between the property lines east of the proposed building consists of cement blocks. The proposed building is about 15 ft. from the questionable wall. Is this wall structurally sound to support the adjacent proposed building?

- Chairman Meixner noted that Condominium #14 (and Fred's Way) has a view of the applicant's property. The applicant should consider a tree-planting plan of large evergreens along the south border of the property.

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Guest Mr. Michael O'Connor said that he was wondering if the proposed building was in conformance with the Heritage Hills DRD.

Dr. Merker responded to the question and explained that the Conservation Board looks at applications from an environmental point of view and not from a zoning point of view. We do not have the expertise to respond to your question.

Old Business:

F) Somers Pointe Golf Club:

Mr. O'Connor asked a question. Given the observations and criticisms that you have made, what happens to the application process as it stands now? Does the C.B. hold it up in any way?

Chairman Meixner responded no.

Mr. O'Connor said that the next thing that we would see is an item on the Planning Board agenda addressing those comments. Does that memo become a public document?

Chairman Meixner responded yes.

Discussion ensued among the Board members with reference to this application and Town Board member Clinchy explained to the guests how the system works between the Planning Board and the Conservation Board.

Guest Michael O'Connor asked if the C.B. was forwarding comments or recommending approval or non-approval?

Old Business:

F) Somers Pointe Golf Club:

Dr. Merker responded that the Board is forwarding their comments to the Planning Board and subsequently the applicant and hopefully they will become part of the final plan.

Chairman Meixner said that the application returns to the Conservation Board when it is revised so it will be coming back again for our further review and comments.

The Board members decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#10-41) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Somers Pointe Golf Club site plan, overall plan, maintenance area, steep slope alteration, wetland map, soils map and wetland delineation report at their meeting on October 12, 2010.

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 plans submitted by the applicant fail to show the adjacent steep slopes and wetland areas.

Old Business:

F) Somers Pointe Golf Club:

- As this application could have an impact on the entire area, the Board would like to see a continuation of the delineation of the steep slope area and wetland area on the neighboring parcels.

2) The surrounding property appears to drain into an existing Town regulated wetland area, which appears to end at the property in question and then travels into a 30-inch pipe.

- Is that size pipe adequate to handle new drainage from this property and the 100-year flood?

3) The applicant's property drains into a retention pond that goes into an existing 15-inch pipe.

- The Board questions the ability of this pipe to handle the overflow.

4) There is abandoned equipment and deteriorating storage trailers located on this parcel.

- Soil testing should be conducted in order to determine possible contamination on the property.

5) The area in question is approximately 10 ft. higher in elevation than the neighboring Heritage Hills Maintenance area.

- Oil/grease separators should be installed at the outflow of the parking lot and drainage system on the applicant's property.

Old Business:

F) Somers Pointe Golf Club:

- Oil/grease separators should also be installed on the Heritage Hills Maintenance area property.

6) The wall between the property line east of the proposed building consists of cement blocks.

- The proposed building is about 15 ft. from the questionable wall.
- Is this wall structurally sound to support the adjacent proposed building?

7) Condominium #14 and Fred's Way have a view of the applicant's property.

- The applicant should consider the planting of large evergreens along the south border to help ameliorate the view from the applicant's parcel.

8) The applicant proposes to remove the storage trailers in the maintenance area and install a storage building and an outdoor vehicle storage area.

- The Board applauds the removal of the storage trailers.
- What is the definition of *outdoor vehicle storage area*?

Old Business:

F) Somers Pointe Golf Club:

9) There are multiple storage trailers that are rusting and deteriorating on the property that contain mechanical equipment.

- Will the applicant be removing this from the site?

10) There is multiple abandoned mechanical equipment presently on site rusting and rotting.

- Will the applicant be removing this from the site?

11) There are multiple 55-gallon storage drums located to the east of the proposed building, behind the cement block wall and adjacent to the building marked "pesticides".

- Will these storage drums be removed from the site?

The Conservation Board will continue to review the Somers Pointe Golf Club site plan as revisions are submitted. The Board would appreciate the removal of all mechanical equipment, storage trailers, storage drums and any other unsightly objects from the site at this time by the applicant.

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The Board members took no further action at this time.

New Business:

A) BVS Acquisition Company, LLC/aka Chase Bank-fka Bank of America dated October 1, 2010; Site Plan/Planning Board, Site Plan/C-4; Overall Shopping Center Plan/C-4a; Landscape Plan/C-8; Prepared by Hocherman, Tortorella & Wekstein, LLP, *(#95 Rte. 6/Baldwin Place)*: (GM)
The Conservation Board will review the above Planning Board application for BVS Acquisition Company, LLC/aka Chase Bank site plan, Landscape Plan at their next meeting.

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

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

B) Invitation from Open Space Committee/to attend the One Year Celebration of the Opening of the Angle Fly Preserve/Saturday October 23, 2010 at 1 PM; there will be an *Inaugural Community Hike to Open the New Blue Trail*; park cars at Reis Park, for more information visit www.somerslandtrust.org:
The Conservation Board acknowledges receipt of the above invitation from the Open Space Committee to attend the one-year celebration of the opening of the Angle Fly Preserve on Saturday 10-23-10 at 1 PM and the subsequent hike to the new blue trail.

The Board members will try to attend this event, as their schedules will allow.

New Business:

B) Invitation/OSC:

The Board members took no further action at this time.

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There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member Dr. Edward Merker 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 October 26, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on November 9, 2010 and November 23, 2010 respectively.

Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

Cc: Town Board
Town Clerk
Town Engineer
Town Planner
Planning Board
Zoning Board
Open Space Committee
Architectural Review Board
Landmark Committee