

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
NOVEMBER 9, 2010**

The November 9, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: James Moriarty, John Purcell, Gary Meixner

Absent: Eric Evans, Shoshana Hantman, Michael La Gue,
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.

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Announcements:

Board member Michael La Gue emailed the C.B. Secretary to inform her that he would not be able to attend the meeting tonight.

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

Approval of Minutes:

A motion was made by John Purcell and seconded by James Moriarty to approve the Minutes of the October 26, 2010 regular meeting of the Conservation Board. All members present approved.

There were no changes made to the Minutes of October 26, 2010.

Board member James Moriarty noted that he revised a memo that was emailed to him for corrections and changes and that memo is part of the October 26, 2010 Minutes.

Old Business:

- A)** Guerrero/#213 Rte. 100/Update/Building Inspector, etc.: (GM)
Chairman Gary Meixner discussed the above administrative application for Guerrero at the meeting. The Chair gave a brief report on the status of the driveway permit for the newly constructed garage, which if approved by the State would make two accesses off Rte. 100 for the same property.

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Old Business:

A) Guerrero/Update:

C.B. Secretary Ms. Davis gave an update to the Board noting that at the last meeting there was discussion about a check being cashed by the State. However there was no paperwork acknowledging a permit that was submitted to the Principal Engineering Technician or the Building Inspector showing that there was a permit issued by the State for the driveway.

Chairman Gary Meixner said that he received a message from the Principal Engineering Technician, but he did not have a chance to call him back.

To date Chairman Meixner advised the Board that he has not contacted the Building Inspector since the last meeting and the Building Inspector has not gotten back in touch with him to discuss this issue. He mentioned that the Building Inspector was going to forward a note to the Board concerning this application.

This item will be tabled until the next Conservation Board meeting.

The Board members took no further action at this time.

B) Postcard/Cornell University (from Correspondence)/re: Survey on Climate Change and Global Warming in New York State, 607-255-3786; Secretary phoned them August 6, 2010 for copy of survey/CB received survey: (EM)

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Old Business:

B) Postcard/Cornell:

The Conservation Board tabled discussion on the above survey regarding Climate Change and Global Warming in New York State until Board member Merker gives a report.

Dr. Edward Merker on behalf of the Conservation Board was asked to fill out the above postcard and give a report to the Board.

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

C) Budget Hearing for 2011/Conservation Board/November 8, 2010 at 8 PM with Town Board in Somers Library:

C.B. Secretary Ms. Davis informed the Board members that she attended the Town Board budget hearing for the year 2011 held at the Somers Library on Monday November 8 at 8 PM. She specified that Chairman Meixner was not able to attend.

Chairman Meixner inquired about the outcome of the Budget Hearing and asked if the Town Board approved the C.B. Budget at a decrease from last year.

Ms. Davis commented that the Town Board originally had requested that everyone (Boards, Committees, etc.) provide the same budget that has been used for the past four years, which is what she submitted for the Conservation Board. This budget did not and does not include an increase in salary for the C.B. Secretary and has not included an increase in salary for the past five years.

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Old Business:

C) Budget Hearing/C.B.:

Ms. Davis went on to say that the Town Board produced a tentative budget that undermined the contractual line of the Conservation Board, which is responsible for supplies, mileage and education. She explained that the Town Board had subtracted \$1550.00 from a budget line that was \$2550.00 contractual. She noted that this action on the part of the Town Board would leave the Conservation Board with \$1000.00 for the year to pay for supplies, cartridges and mileage (for delivery of packets two times a month) and no money for education of the members.

Board member John Purcell said that he thought that the reason why the Town Board took so much from the budget is because the Board had not used the money from last year according to the tentative budget sheet. There was only \$10.00 listed on the sheet.

Ms. Davis advised that generally speaking she orders supplies and submits the mileage at the end of the year because of time constraints and sometimes necessity. She also mentioned that all orders have to go before Supervisor Murphy before she can order them, even if they are included in the budget so it becomes a time consuming process.

Also, she said that in the past several years the Supervisor has put a freeze on ordering any supplies or spending until after March, which is the first quarter of the year. In most cases after that the Board usually is really busy with the business of the Board and she has no time to go back and forth with everyone trying to get the tools that she needs for her job. Sometimes she just buys them herself, as it is more convenient and easier. On the larger, more expensive supply orders she creates a voucher and goes through the process of emailing the Supervisor, etc. and getting the supplies.

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Old Business:

C) Budget Hearing/C.B.:

Ms. Davis noted that this year in particular it was very time consuming as she had three new members and the associated paperwork, etc. that goes along with that endeavor. She explained that at the end of 2009 she did not have any extra time to do projects, etc. because she was involved with the loss of her father, which she did not bring up at the budget hearing on November 8. Time constraints are a contributing factor to ordering supplies needed for working in the files in the basement, organizational matters, etc.

C.B. Secretary Ms. Davis said that she explained to the Town Board that leaving the Board with \$1000.00 for the year is a little bit tight and definitely would not allow any money for education, now that the Conservation Board has a full Board.

Chairman Meixner noted that the town gets back whatever is not used, so he does not see the harm in allowing the Board to have enough operating money.

Ms. Davis noted that the Town Board does get money back from the Conservation Board every year on contractual. She explained that she is very careful and frugal and does not spend the Town's money unless it is absolutely necessary. She said that she informed them last night about this situation, but they did not seem interested in the financial matters of the Conservation Board.

Town Board member Garrity brought up the fact that the Conservation Board only used \$832.00 of contractual last year and most of that was mileage.

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Old Business:

C) Budget Hearing/C.B.:

Ms. Davis said that the figure used was because she is careful and does not order anything that she is not going to use right away. She noted that there are projects that need to be done, but many have been put off due to the fact that the Town is trying to conserve on finances and spending. She noted that for the twenty-eight years that she has worked for the Town she has barely cost them anything in contractual.

Discussion ensued among the Board members with reference to the Town saving money and areas of duplication in government with many of the Committees that are serving the Town.

Ms. Davis opined that there was no need for the Town Board to create an Open Space Committee as the Conservation Board was responsible for the indexing of the open space in the Town of Somers and it could very well be a function of this Board.

Board member John Purcell said that there are probably many facets of government that could be combined in order to save money. He said that for instance there could be certain meetings of the Conservation Board where they just discuss open space.

Ms. Davis specified that the Conservation Board is the entity that did the first Open Space Index for the Town of Somers. She said that the indexing and map were part of the requirements that had to take place before the Conservation Advisory Council could become a Conservation Board.

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Old Business:

C) Budget Hearing/C.B.:

Ms. Davis advised the Board that she and former Chairperson Nancy Welo volunteered their time to do the work involved in producing the first open space indexing for the Town and the map that was required. She said that it took numerous man-hours that were all donated to the town by Ms. Welo and herself with absolutely no recognition from the Town Board or anyone to date.

C.B. Secretary Ms. Davis commented that after all of the work that she and Ms. Welo did the Town Board decided to make a sub-committee (OSC) that appears to have nothing to do with the Conservation Board. She opined that the Open Space Committee should be an arm of the Conservation Board, but the way it is set up they have nothing to do with us. She mentioned that she does not understand that logic because the OSC would probably not even exist if Nancy Welo and herself did not volunteer their time to do the first Open Space Index for the Town of Somers.

Ms. Davis explained to the Board that she informed the Town Board that there are three file cabinets in the basement that are rotting at the bottom and will have to be replaced, but without any money in the budget that will not happen. It is something that will have to be considered in the future, if the economy gets better she said. However, she noted that usually when her budget gets cut the Town Board rarely increases it. At the hearing she said that they did not seem to recognize the value and necessity of the Conservation Board.

She commented that it was obvious at the budget hearing that the C.B. does not seem to be of value to the Town Board due to the way she was treated, which in her opinion was disrespectful and rude.

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Old Business:

C) Budget Hearing/C.B.:

Technically speaking, she said that the Conservation Board is supposed to be reviewing and issuing the permits for the wetland, steep slope and tree preservation activities she said. The Town Board decided a long time ago that they were giving this function to the Engineering Department and that is why we are not directly involved.

Ms. Davis noted that she did not copy the entire Tentative Budget for the Board as it changes and becomes the Adopted Budget, which is the legal binding document. She noted that she would copy them on the final document.

Board member Purcell inquired about getting the budget in spreadsheet form, soft copy.

Ms. Davis said that she would check into it, but it has never been given to her in any other form than hard copy. She found that fact to be ironic because the Town Board questioned her relentlessly at the Budget Hearing about delivering the by-monthly packet to the C.B. and hard copies and yet the tentative budget and adopted budget information that they send out to the Boards is hard copy.

Chairman Meixner noted that the Town Board in the past has always mentioned that they would help us get something if we need it.

Ms. Davis went on to say that the Town Board questioned her excessively about delivering the packets to the Board members. She replied to the Town Board that the Conservation Board members are busy people, they are all volunteers and professionals and they do not have the time to pick up their packet. She noted that they all work long hours and therefore would require a key to the Town House, if that were the case.

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Old Business:

C) Budget Hearing/C.B.:

Also, she informed the Town Board that the information in the packet was not available until right before the meeting, as all of the work is current and new every two weeks. There is no window of opportunity to mail the information to the members, as it would take too long.

Board member Purcell was wondering why they were having a problem with delivering packets.

Ms. Davis said probably the mileage at \$.50 per mile (which can go up and down each year).

Mr. Purcell asked if they had ever taken a look at what it would cost the Town to mail the packets to the members versus the cost of mileage?

Ms. Davis responded that she did not even go there, as the entire episode was ridiculous. She explained that she told the Town Board that they are squeezing her in a vice and then telling her to go and do her job.

Chairman Meixner brought up the fact that the Conservation Board does not get any recognition of revenues that come into the Town from the environmental permits. They go to Engineering or the General Fund.

Ms. Davis agreed and noted that the Planning Board also has to deliver the packets for the same reason that she does. She noted that the Town Board made it seem as if she decided to do this delivering when it has been a long-standing practice in town. She went on to say that she informed the Town Board that her position dictates more than 17 hours a week as she has told them many times before in past budget hearings.

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Old Business:

C) Budget Hearing/C.B.:

At the Budget Hearing last night Supervisor Murphy responded that she does not understand why the position of Secretary to the Conservation Board takes more than 17 hours per week. Ms. Davis referred them to a sheet she had prepared documenting where the additional time was spent.

Last night Supervisor Murphy said that she told me to only work 17 hours per week. Ms. Davis informed the Board that she explained to her (as she had before on many occasions) that the job would not get done responsibly, if she were to only work 17 hours per week. Ms. Davis explained that she submits 17 hours as she is told and gets paid for 17 hours, but in reality she is working full time. She noted that she submits a Time Sheet Itemization, which Ms. Murphy insists that she does that takes approximately 2.5 hours to complete on 1.5 pages in 9 font. She told the Town Board that no other Town employee has to do an itemization.

Ms. Murphy insisted that other employees fill out a time sheet. But Ms. Davis relayed that they do not fill out the itemization.

Ms. Davis noted that she was so uncomfortable with the way she was being treated by the Town Board that she told them that she is an asset to the Town of Somers and it is about time they all realize that fact.

Ms. Davis informed the Board that she asked the Town Board specifically that if they were going to take away \$1550.00 from an almost non-existent budget, (the smallest budget to run a Board in Town) then if the Board needs something would the Town Board find a way to obtain it? Would the Board members be able to get education or whatever they need and the Town Board did not respond.

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Old Business:

C) Budget Hearing/C.B.:

She informed the C.B. that when the Town Board was finished with the C.B. Budget review they did not say anything to let her know. Instead they just immediately went on to other business, without any acknowledgment of her presence, unanswered questions, etc. The Town Board merely dismissed her by pretending she was not in the room. She commented that they were extremely rude.

C.B. Secretary Ms. Davis informed the Board that she took the initiative to interrupt them and say thank you for your time and then at that time Supervisor Murphy acknowledged the end of the conversation and the Conservation Board hearing.

Discussion ensued among the Board members with reference to the Town Board and the budget process.

The Board members took no further action at this time.

D) Documentation Request/from Engineering Department/re: Permits and Violations/copies of Requests, etc.:

The Conservation Board members discussed the need to have more communication from the Engineering department regarding the issuance of environmental permits, and forgiveness thereof on behalf of the Town of Somers.

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Old Business:

D) Document Request/C.B.:

Discussion ensued among the Board members with reference to receiving pertinent documents, etc. and communication between the Engineering department and the Conservation Board.

Board member Purcell said that there was a comment made by the Chair that we are in fact generating revenue (that we don't receive) for the Town and also reviewing all of the permits to give a seal of approval.

Mr. Purcell went on to say that the Conservation Board should be getting a summary from the Engineering Department of the number of permits, including names, addresses and what the permit is issued for as well as an updated summary/activity report of the above including the revenue that the town takes in for these environmental permits.

Board member Purcell noted that the same should be done with violations, what the violation is for and what is being done about it should be available to the Board. The Board should have these documents by the first meeting of the following month (monthly report) so that the Board knows what is going on and we are advised beforehand. He said that this memo should also be sent to the Building Department so that if there are any environmental or conservation violations he should also generate a report. A copy of this report could also be sent to the Town Board, he said.

The Board members agreed that they should contact the Engineering Department requesting this information and copy the Town Board.

After discussion on the matter by the Board they decided to send a memo to Principal Engineering Technician Woelfle and Building Inspector Citarella requesting this information.

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Old Business:

D) Document Request/C.B.:

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A memo (#10-45) will be sent to the Principal Engineering Technician, Steve Woelfle, and the Building Inspector Efrem Citarella stating that the Conservation Board discussed the fact that they are operating without many of the tools that they need to do their job effectively and responsibly at their meeting on November 9, 2010.

The Board members decided that some additional paperwork is needed to aid them in the performance of their duties.

The C.B. has the following Summary Sheet request:

- 1) A Monthly Summary Sheet from Engineering Department and Building Department regarding any environmental/conservation permits or violations.
- 2) The Summary Sheet should include the following:
 - Name, address and reason for issuance of the permit or violation.
 - Number of permits/violations.
 - Revenue that the Town receives for these environmental permits or violations.
 - Updated activity/status report on the same.
- 3) The Summary Sheet should be submitted to the C.B. no later than the Friday before the first meeting of each month (2nd Tuesday - C.B. meeting nights).

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Old Business:

D) Document Request/C.B.:

- 4) It is imperative that the Board should have this Summary Sheet by the first meeting of the month (monthly report).
 - We require knowledge of new/existing environmental issues in Town in order to be advised of the situation before we make a judgement call or write a memo.

The Conservation Board would appreciate the implementation of this Monthly Summary Sheet at the earliest possible convenience.

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The Board members took no further action at this time.

E) Planning Board Meeting October 27, 2010/Report Chairman Gary Meixner attended the meeting: (GM)

Chairman Gary Meixner informed the Board that he attended the recent Planning Board meeting held on Wednesday October 27 in order to clarify any misunderstanding that might be going on between the Planning Board Chair and the Conservation Board regarding their memos and application reviews. In particular he wanted to discuss the recent environmental violations taking place on the Naclerio property if the opportunity arose.

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Old Business:

E) P.B. Mtg 10-27/Report/GM:

The Chair noted that at the Planning Board meeting he brought up the fact that tests and samples of soil, etc. have to be staked and marked so that when the Conservation Board goes out in the field they can see where the sample came from and who certified it.

He noted that the Planning Board Chair applauded the Conservation Board for including town codes as a reference in their recent memos.

Chairman Meixner said that he discussed Naclerio and the tree cutting issue with regards to the trees being removed from the property by noting that they create sink holes that are dangerous to people and animals.

(Point in fact) Board member Moriarty mentioned that a child in New Jersey just died by falling into one of these sinkholes that were man made.

Chairman Meixner said that sinkholes were common place in Florida for some time due to ineffective fill and/or where the burying of trees was prevalent.

In reference to Naclerio application Chairman Meixner said that he did not understand how an Engineer who lives in town could not know about the permitting process.

The Chair said that he also discussed the Somers Pointe Golf Course at the Planning Board meeting with regards to the existing wall that is slated to remain on the property. He explained to the Planning Board that there is water running down on the inside of it and noted that there are voids in the structure.

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Old Business:

E) P.B. Mtg 10-27/Report/GM:

He questioned how the structure would hold the weight that they expect it to hold? He conjectured that there might be a problem in the future after the building is complete. He informed the Board that according to the Planning Board the trailers will be removed from the site and the soil will be tested.

Chairman Meixner explained to the Board that at the end of the Planning Board meeting the Planning Board Chair Fedora DeLucia brought up the C.B. memos and the fact that there are initials at the end of the memos and she specifically requested the names of the Board members. She also wanted to know if there was a quorum present at the meeting.

Board member James Moriarty referred to the Planning Board Minutes of of September 22, 2010 where it states that *the C.B. memos should list the full names of the Board members . . . and also states that the Conservation Board should not go beyond their mission by commenting on Planning issues.* However he said that if the Planning Board read the Town Code it states that the C.B. should give comments and advise the Planning Board on site plan reviews.

Discussion ensued among the Board members with reference to the Planning Board and their nitpicking of C.B. memos when there is no logic or reason.

C.B. Secretary Ms. Davis communicated that the Conservation Board asks questions and sends memos to the Planning Board. The Planning Board on the other hand never responds to any of the C.B.'s memos, which is a contributing factor as to why our Board members are operating in the dark. She opined that it would be helpful if they responded to the C.B. memos.

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Old Business:

E) P.B. Mtg 10-27/Report/GM:

The Board members took no further action at this time.

F) Naclerio/Planning Board application/Discussion/Conservation Board,
(Rte. 6/across from proposed Chase facility): (JP)

Board member John Purcell explained that he wanted to have some discussion and an update on the activities concerning the Naclerio property that is now before the Planning Board and the existing violations on the site.

Chairman Meixner said that one of the main reasons that he attended the Planning Board meeting was to discuss Naclerio. He mentioned that the town Consulting Engineer wants them to do testing, etc. and Chair Ms. DeLucia wanted someone who lives in town to do the testing.

Mr. Purcell said that to make it a Somers resident or a company that has a home base in Somers is not realistic. He wanted to discuss the status of where they (Naclerio) stand with reference to the violations on site and where that revenue is going. To remind everyone involved that the revenue from that site (if there should be any since the Town Board allowed the applicant to waive the violation for a site plan) should be going to the Conservation Board or at least there should be some recognition of that fact. He commented that the Conservation Board does generate revenue contrary to what we are being told and being allowed in our budget.

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Old Business:

F) Naclerio/Discussion:

Chairman Meixner agreed and said that the revenue is coming in part from our environmental review system.

C.B. Secretary Ms. Davis said that the Board does not generate the permit or handle the funds (the Engineering Department is doing that procedure) as per the Town Board decision. However, she noted that the Board should get credit from the Town Board for the work that they perform.

Board member Purcell said that the Board should be kept up to speed on what is going on with the permits and the funds involved so that we know what is going on with the parcel of property.

Discussion ensued among the Board members with reference to the permitting process and environmental reviews.

The Board members took no further action at this time.

New Business:

- A) Planning Board Site Walk/Saturday November 6, 2010/11:00 am Somers Pointe Golf Club, site plan, wetland and stormwater management, erosion-sediment control permits (TM 6.13-20-1.23; 6.17-20-1.21; 6.18-10-1.22). Application for property located on an access road between Warren Street and West Hill Drive for a proposed maintenance storage yard with outdoor storage area and new (40' x 60') 2,400 SF storage building/11:30 am Naclerio, site plan, steep slopes, stormwater management, erosion-sediment control permits (TM 4.20-1-7). Application of Vincent Naclerio for property located at 75 Rte. 6 for**

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New Business:

- A)** grading, filling to level yard around existing building requiring approximately 16,000 SP of disturbance:

The Conservation Board members discussed the above Planning Board site walk that was scheduled for Saturday November 6 at the meeting.

Several members of the Board had expressed interest in attending the site walk, however, when the day arrived they were not able to go with the Planning Board.

C.B. Secretary Ms. Davis noted that the Conservation Board members had walked the two sites (Somers Pointe Golf Club/Naclerio) on previous occasions.

The Board members took no further action at this time.

- B)** Sussmann Mobil Station/Site Plan/Planning Board; Project Drawings SP-2, SP-3, SP-6, SP-7, SP-8 dated November 18, 2007 revised; Prepared by Van Lent Architects & Planners, Bibbo Associates, LLP, (Rte. 100/across from IBM): (JP)

The Conservation Board members will review the above Planning Board application for Sussmann Mobil Station site plan, project drawings, revised 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.

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New Business:

- C)** BVS Acquisition Company, LLC/Site Plan/Planning Board (aka Chase Bank/fka Bank of America), plans dated October 28, 2010, Letter dated 10-28-10 to Planning Board from Hocherman, Tortorella & Wekstein, LLP; Stormwater Analysis dated October 25, 2010; Letter dated October 25, 2010 from Atlantic Traffic & Design Engineers, Inc.; Plans/A1.1; A4.1; A4.2 Floor Plan & Elevations; Topographic Survey dated April 6, 2007; C-1/Cover Sheet; C-2/General Notes; C-3/Removals Plan; C-4/Site Plan; C-4a/Overall Shopping Center Plan; C-5/Grading & Drainage Plan; C-6/Soil, Erosion & Sediment Control Plan; C-7/Utility & Sanitary Plan; C-8/Landscape Plan; C-9/Landscape Notes; C-10/Lighting Plan; C-11/Site Details; C-12 & C-13/Site Drainage & Utility & Details, Prepared by Hocherman, Tortorells & Wekstein, LLP, (#95 Rte. 6/Baldwin Place): (JM)
The Conservation Board will review the above Planning Board application for BVS Acquisition Company, LLC site plan, stormwater analysis, grading-drainage plan, soil-erosion-sediment control plan, landscape plan and notes and site drainage plan at their next meeting.

Board member James Moriarty will review the materials submitted and give a report to the Board.

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

- D)** Discussion/BVS Acquisition aka Chase Bank/Letter from lawyers Hocherman, Tortorella & Wekstein, LLP dated October 28, 2010: (JM)
Board member James Moriarty brought the above letter to the attention of the Board for discussion. He thought that the wording was offensive to the work that the Board provides for the Town.

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New Business:

D) Discussion/BVS/Letter:

Mr. Moriarty said that he questioned the section marked Conservation Board/SEQRA Comments. In particular he said is the notation that the Conservation Board's comments with respect to certain aspects of the EAF should be disregarded.

The section read as follows:

By memorandum to your Honorable Board dated October 8, 2010, the Town's Conservation Board made several comments regarding the SEQRA review of this application (BVS Acquisition/ aka Chase Bank). Specifically, the C.B. commented on certain aspects of the EAF and the list of involved agencies. At your meeting of September 22, 2010 your Board determined that this application is a Type II Action under SEQRA because it involves the construction of a building that measures less than 4,000 sq.ft. Actions classified as Type II are not subject to the requirements of SEQRA (6 N.Y.C.R.R.617.5 (a) and therefore the C.B.'s comments with respect to certain aspects of the EAF and the listed involved agencies (both SEQRA-related comments) should be disregarded.

Chairman Meixner said that this project is part of a larger project i.e. the Shopping Center and proposed building out of Baldwin Place with the Senior Facility, etc. and the applicant cannot have it both ways. Since it is part of the larger project it should be subject to review by SEQRA. It is not really a Type II action all by itself as it is part and parcel to the entire project that will be/and is located at Baldwin Place. So therefore, someone may be mistaken in the interpretation of this subject matter.

Discussion ensued among the Board members with reference to this project and the applicant's lawyer's response to the C.B. memo. Ownership of the property was also discussed at the meeting.

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New Business:

D) Discussion/BVS/Letter:

The Board members decided to send a memo to the Planning Board stating their concerns with the statement made by the applicant's lawyer and project moving forward.

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A memo (#10-46) will be sent to the Planning Board stating that the Conservation Board reviewed the above letter to the Planning Board regarding BVS Acquisition aka Chase Bank from Hocherman, Tortorella & Wekstein, LLC at their meeting on November 9, 2010.

The Board members reviewed the letter submitted and discussed the letter and application among them. The following statement was made in the applicant's lawyer's letter to the Planning Board:

Conservation Board/SEQRA Comments:

By memorandum to your Honorable Board dated October 8, 2010, the Town's Conservation Board made several comments regarding the SEQRA review of this application (BVS Acquisition/ aka Chase Bank). Specifically, the C.B. commented on certain aspects of the EAF and the list of involved agencies. At your meeting of September 22, 2010 your Board determined that this application is a Type II Action under SEQRA because it involves the construction of a building that measures less than 4,000 sq.ft. Actions classified as Type II are not subject to the requirements of SEQRA (6 N.Y.C.R.R.617.5 (a) and therefore the C.B.'s comments with respect to certain aspects of the EAF and the listed involved agencies (both SEQRA-related comments) should be disregarded.

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New Business:

D) Discussion/BVS/Letter:

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

- 1) The applicant for the BVS Acquisition is part of an entire existing project at Baldwin Place, not as an individual owner.
- 2) Therefore, as such SEQRA would be an involved agency.
- 3) If there is any paperwork that has transpired to change the facts as we know them then we would appreciate the Planning Board forwarding the appropriate information to the Conservation Board as soon as possible.

The Conservation Board is awaiting a response to this memo from the Planning Board with regards to this application as the Board is continuing the review process on this application and as such requires all pertinent documentation.

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 9:00 PM by Board member John Purcell and seconded by Board member James Moriarty. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on November 23, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on December 14, 2010 and December 28, 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