

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JUNE 14, 2011**

The June 14, 2011 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, Michael La Gue, James Moriarty,
Gary Meixner

Absent: Dr. Edward Merker, John Purcell

Guests: None

Announcements:

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

Board member Shoshana Hantman emailed the C.B. Secretary to inform her that she might be late for the meeting tonight.

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Announcements:

Chairman Gary Meixner announced that the Board is seeking one new member to serve on the Conservation Board.

Board member Shoshana Hantman informed the Board that she might not be able to attend the Board meetings from September 2011 to May 2012.

Approval of Minutes:

A motion was made by Shoshana Hantman and seconded by Michael La Gue to approve the minutes of the May 24, 2011 regular meeting of the Conservation Board. All members present approved.

Board member Michael La Gue amended the Conservation Board Minutes of May 24, 2011 on page 13, 18 and memo #11-28.

Board member James Moriarty amended the Conservation Board Minutes of May 24, 2011 on page 1.

Board member Shoshana Hantman amended the Conservation Board Minutes of May 24, 2011 on page 13.

C.B. Secretary Ms. Davis noted that she changed pages 13 thru 22 including memo #11-28. She informed the Board that she would prepare a revised document for them at the next meeting.

Old Business:

A) Conservation Board Member/the C.B. needs one new member to join the Board: (GM)

The Conservation Board discussed the need for one new Board member to replace the vacant seat left by Eric Evans at the end of April 2011.

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Old Business:

A) CB/Needs one new Member:

Discussion ensued among the Board members with reference to the need for a new member. They were wondering if the Town Board was already in the process of looking for another member for the Board.

C.B. Secretary Ms. Davis noted that they probably are not looking for a member at this time and a memo might need to be sent to remind them.

Chairman Meixner agreed and said that the Town Board accepted the resignation and therefore should be aware that there is a need for an additional Board member. He mentioned that the C.B. is short one member and would appreciate a new member being appointed.

Board member La Gue said that the Board should asked if the search committee has identified a suitable candidate to replace the person who resigned.

The Chair noted that it would be a good idea to put the information on Cable TV and the website in order to let people know that we are looking for an additional member.

Some discussion ensued among the Board members and they decided to write a memo to the Town Board requesting the appointment of one new member.

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A memo (#11-29) will be sent to the Town Board stating that the Conservation Board discussed the need for one new member at their regular Board meeting on June 14, 2011 as Eric Evans ended his term of office in late April.

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Old Business:

A) CB/Needs one new Member:

The Board members addressed the fact that there is a need for one additional member in order to complete the seven-member town code compliance.

The Conservation Board would appreciate the Town Board acting on obtaining one additional member as soon as possible.

The Board suggested that perhaps the information could be placed on Cable TV and the website if there are no viable candidates.

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The Board members took no further action at this time.

B) Board member Hantman/Discussion C.B. Attendance at Meetings-Conflicts, etc.: (SH)

Conservation Board member Shoshana Hantman asked the Board if there were minimal attendance requirements for being a member of the Board.

C.B. Secretary Ms. Davis said that there should be some kind of attendance necessary in order for the Board to function properly. However, she noted that she was not aware of any such requirements and would have to check with the Supervisor's office in order to find out that information.

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Old Business:

B) C.B. Attendance at Meetings:

Ms. Hantman said that for a period of eight or nine months she might have difficulty attending meetings starting in September 2011 and going through May 2012 due to a job shift. She said that it is a temporary change ending in May, but it will take place.

Board member Hantman explained that she is very interested in what she is currently working on for the Board (the creation of CEA's in the Town of Somers) and would like to continue in that capacity if at all possible.

Ms. Davis inquired if Ms. Hantman could forward a report on occasion with reference to the work she is accomplishing.

Ms. Hantman replied that she would be able to forward an occasional report and possibly attend a meeting once in a while, but on the whole she cannot commit her time to attending the meetings.

The C.B. Secretary said that as far as she knows there is no attendance requirements however, she would email the Supervisor and ask her about the situation.

Ms. Davis said that she appreciates the heads-up on what is happening with regards to attendance at the meetings. She asked if Ms. Hantman would be able to make a few meetings or none at all.

Board member Hantman mentioned that she makes the calendar for work so she might be able to show up for the C.B. meetings once in a while (one or two). She said that it would help her to know the C.B. schedule of meetings for next year.

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Old Business:

B) C.B. Attendance at Meetings:

Chairman Meixner noted that Ms. Hantman would continue to attend ELLA meetings and follow up on Critical Environmental Areas in Somers, which she is working on at present. He said that if the Board would need any comment, review or information from her they would let her know.

When asked about the possibility of changing the C.B. meeting night, Ms. Davis said that it would be difficult to change the night of the Board meetings as most every night has been taken at the Town House for one event or another.

C.B. Secretary Ms. Davis said that she would look into the matter of attendance further and report back to the Board.

**C) Report/MetroPCS NY @ Towne Centre/Informal Site Inspection: (GM)
C.B. Chairman Gary Meixner informed the Board members that he performed an informal site inspection of the above Planning Board application for MetroPCS NY @ Towne Centre.**

The Chair noted that he submitted a written report for review and discussion by the Board members.

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Report:

Chairman Meixner found the following situation on June 13, 2011:

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Old Business:

C) Report/MetroPCS/Inspection:

- There are problems at the catch basin.
- The retention pond has a higher end and a lower end.
- The catch basin by the dumpster is located at the lower end of the retention pond.
- It appears that garbage is getting into the catch basin.
- The water goes through the dumpster area and anything on the ground gets washed into the catch basin.
- Some photographs were taken of the area for the meeting and they will be sent (via text) to Principal Engineering Technician Steve Woelfle.
- There is a strong odor near the dumpster area and the catch basin.

After a brief discussion on the matter his report continued at the meeting.

- Chairman Meixner said that he took some pictures of garbage, etc. to forward to Principal Engineering Technician Woelfle so that he can check it out.
- The way the drainage is set up in the parking lot the retention pond has some issues he said.

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Old Business:

C) Report/MetroPCS/Inspection:

- The Chair noted that when one is looking from the building to the retention pond the left side of the retention pond is higher and then it filters down to the bottom (sediments) and most of the water goes to the left into the catch basin.
- Most of the parking lot water goes into the south side where there is a catch basin he said.
- The Chair explained that the dumpsters are located on the north side. When it rains the water takes the garbage and dumps it directly into the catch basin.

Chairman Meixner showed the Board members what was taking place on an informal map he prepared and the pictures he took at the site.

Board member Moriarty said that when they did the tower work the applicant should have installed a Baysaver brand (it is required in most cases). It separates oil and garbage and has a filter on it so that whatever comes out is clean water. He mentioned that it is not an expensive item.

Mr. La Gue inquired about how often they need to be changed.

Mr. Moriarty said that it depends on the volume of trash going into it, but in this case they would probably have to service it every month.

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Old Business:

C) Report/MetroPCS/Inspection:

- Chairman Meixner explained that the catch basin is not functioning the way that it should be due in part to the varying height differences. He said that because of the new development plans it appears that it would be disturbed even more in this area.
- The Chair said that he would relay this information to Steve Woelfle and Steve could let the Consulting Engineer know what is going on. He noted that it should be followed up with a memo from the Board that incorporated his notes from the site inspection.

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Discussion ensued among the Board members and they decided to write a memo to the Principal Engineering Technician, Consulting Engineer and Building Inspector explaining the situation with the catch basin.

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A memo (#11-30) will be sent to Consulting Engineer Barbagallo, Principal Engineering Technician Woelfle and Building Inspector Citarella stating that the Conservation Board performed an informal site inspection of the Planning Board application for MetroPCS NY @ Towne Centre and discussed this event at their meeting on June 14, 2011.

The Board will forward pictures of the site and has the following comments to be addressed by the applicant.

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

- 1) There are problems associated with the catch basin.
 - The retention pond has a higher end and a lower end.

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Old Business:

C) Report/MetroPCS/Inspection:

- The catch basin by the dumpster (north side) is located at the lower end of the retention pond.
 - Most of the parking lot water goes to the south side.
- 2) It appears that garbage is getting into the catch basin.
- The water goes through the dumpster area (north side) and anything on the ground gets washed into the catch basin.
- 3) The Board took some photographs of the area and will text them to the Principal Engineering Technician Steve Woelfle.
- 4) This Board recommends the use of Baysaver Brand as it separates oil, garbage, etc. and allows the flow of clean water.
- 5) There is also a strong odor near the dumpster area and the catch basin that should be addressed by the applicant.

The Conservation Board would appreciate your attention on this matter as soon as possible.

The Board members took no further action at this time.

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Old Business:

- D)** 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 locating and establishing Critical Environmental Areas in the Town of Somers.

Board member Shoshana Hantman said that she spoke to Dr. Laura Heady from the New Paltz DEC these past few weeks. She explained that Dr. Heady sent her a 42 page document from 2007 that is extremely informative called *The Croton to Highland Biodiversity Plan, Somers Addendum*.

Ms. Hantman explained that this is a project of the Wildlife Conservation Society that has a component called the MCA Metropolitan Conservation Alliance. She mentioned that she was amazed at the information they have compiled.

She said that their premise is on the concept that if people understand the Biodiversity in an area then they are more likely to plan to conserve it, which is a very simple idea.

Board member Hantman noted that the Wildlife Conservation Society studied and mapped the area of Somers, which supports two major Biodiversity areas. The document explains how they collected their data and what was found. It also has appendices that discuss species and how they are classified.

She went on to say that some creatures are classified as DA (that means development associated, which means the more we build the more there is) and they are raccoons, house sparrows, white tailed deer and white-footed mouse. While other creatures are classified as DS (that means development sensitive, which means the more we build the less there is) such as the spotted turtle.

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Old Business:

D) CEA/Report:

Board member Hantman noted that in her research she found some interesting information along the way. One of the values of Biodiversity she said in keeping an un-fragmented forest is that more different kind of species can live there. If there are many different kinds of species, small animals such as moles, mice, fox, etc. then there can be a reduction of Lyme disease.

Ms. Hantman explained that Lyme disease is carried primarily by the white-footed mouse and in a fragmented forest those animals that control the spread of deer ticks get pushed out and the control factor is lost.

One of the number one most destructive invasive species said Ms. Hantman, which takes out small amphibians, reptiles and many kinds of birds are, cats. There are millions of them in the Hudson Valley area she said.

Ms. Hantman remarked that everything that she needs to know is in this booklet. She mentioned that she might copy the information for the rest of the Board because it is such a good resource. She noted that she wanted to create a two pronged effort. One is to pursue the Critical Environmental Areas for the Conservation Board as was discussed. The second is the pursuit at the same time of gathering public support for this effort.

She said that she decided to write a series of short articles for beginners about why to protect certain areas and aspects of the environment. It is written very basically so that everyone should be able to read. One article will have to do with swamps, *What's the Big Deal about Wetlands*, which has to do with many aspects concerning this topic (about 500 words).

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Old Business:

D) CEA/Report:

The second one will be about fragmenting the forest and will be entitled *You Can't Eat Soup with a Fork*. She said that she is keeping it in basic forms and learning a lot about this subject matter from Michael Barnhart of the OSC.

Board member Hantman said that she expects to learn more at the meeting tomorrow night with the Open Space Committee; mentioning that she attended a few prior meetings some with ELLA.

She went on to say that the third article would be about invasive species, such as cats, but also moving firewood from place to place spreads problems.

Board member La Gue said yes because of the long-horned beetles.

Also, she said that planting bamboo where you should not plant bamboo could be harmful.

Board member La Gue said that she should qualify the statement because certain types of bamboo are all right. He explained that certain types of bamboo especially invasive bamboo should not be planted. However, other types of bamboo grow slowly and they can be planted he said.

Ms. Hantman said that she would be giving copies to the Board first before printing to ensure accuracy in her statements. She mentioned that she would also have Michael Barnhart look at the document before she has it printed in a paper.

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Old Business:

D) CEA/Report:

She went on to say that Mike Rubbo has also been helpful in explaining species that get put out by certain other species such as the Eastern Bluebird gets pushed out by House Sparrows. She explained to the Board that in her research she is concentrating on things that people can do something about.

Chairman Meixner added that the raccoons are pushing out turkeys as the raccoons eat the turkey eggs. He explained that the turkeys came back because the number of raccoons declined due to rabies and that gave the turkeys a chance to breed without too many predators. He mentioned that he learned this information from former Board member John Behler.

Ms. Hantman said that she had a question about the word recharge with relation to groundwater aquifers.

Board member Moriarty said that recharge means that the water over time seeps down and filters into the groundwater.

Board member La Gue added that recharged also means purified; when something is filtered through layers of gravel, rock, etc. by the time it gets to the bottom it's been recharged or purified.

Discussion ensued among the Board members with reference to this subject matter and Chairman Meixner had some information regarding absorption of materials by trees and plants.

Ms. Hantman said that if the Board had any suggestions about where to publish these articles she would appreciate it.

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Old Business:

D) CEA/Report:

Chairman Meixner mentioned the Journal News.

Board member La Gue suggested the Somers Express.

The Board members took no further action at this time.

E) 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, tabled/hold-C.B., (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 discussed the application at their meeting tonight.

The Chair noted that this item should stay on the agenda until such time as the Board decides to remove it. He mentioned that the Board had not received a response to recent memos.

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Old Business:

E) Heritage Hills:

The Board members agreed.

The Board members took no further action at this time.

F) 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.

As Board member John Purcell was not able to attend the meeting tonight further discussion on this application will be tabled until June 28.

A brief discussion took place among the Board members with reference to this application.

Chairman Meixner asked some questions regarding the memos that were sent and Ms. Davis responded to those questions.

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Old Business:

F) Homeland Towers:

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.

G) Mitchell Subdivision Notice of SEQOR Actions; Designation of Lead Agency issued by Town of Somers Planning Board/Subdivide a 7.1 acre parcel into a four lot conservation subdivision; Full EAF; Preliminary Plat-Conservation Subdivision/PP-1; Erosion Control Plan/EC-1; Profile & Miscellaneous Details/D-1; Stormwater Facilities Detail/D-2; Sheet 16.09, Block 1, Lot 9. One lot contains and existing house and other outbuildings, which are proposed to be preserved and declared as an affordable housing unit, this lot will be accessed by an individual private driveway. The remaining three lots are to be accessed by a common driveway. All lots are to be served by a individual wells and septic systems; The property is 1200 ft. long (east/west) by 275 ft. wide (north/south); Road frontage is approximately 210 ft.; the property width of 210 ft. is maintained for approximately 330 ft.-traveling west into property; Westerly from Tomahawk St. the property is flat & gently slopes downhill to wetland in northern portion of proposed lot #4; the southwesterly portion of proposed lot #4 slopes towards the north and into the wetland; (#197 Tomahawk Street/Rte. 118/Tomahawk Chapel/Koegel Park): (JM)

The Conservation Board reviewed the above Planning Board application for Mitchell Subdivision notice of SEQOR actions; designation of Lead Agency issued by Planning Board, full EAF; preliminary plat, erosion control and stormwater facilities at their meeting tonight.

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Old Business:

G) Mitchell Subdivision:

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

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Report:

- Mr. Moriarty said that there were many things wrong with this document that was submitted by the Planning Board (but erroneously completed by the applicant as part of the SEQR review). He mentioned that it should not be reviewed as submitted.
- The plans submitted are the wrong size, too small and illegible; there is a size requirement that has not been followed he said.
- The point of the conservation subdivision was to reduce the number of the lots disturbed. However, the EAF shows in one section 5 lots and in another section 4 lots. The C.B. had asked for a reduction due to environmental constraints to three lots that was not entertained by the applicant.
- On page 1 of the EAF it states *this area for lead agency use only* (and it is underlined) and the applicants filled it out for the Town, which should not have been done.
- On page 2 of the EAF it says *accessed* (spelled incorrectly) and the document is hand written. There is a crossed out area that says 5 lots and they hand wrote in 4 lots. This should all be typed he said with no cross outs or markings showing errors.

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Old Business:

G) Mitchell Subdivision:

- On page 3 of the EAF it states *the total acreage of project area 3.13 acres*. However, if you take the total acre of property, 7.1 and subtract the conservation parcel, 2.48 the total comes to 4.62. We need clarity on how the applicant came to this number (3.13) for total project area (the disturbed part) he said.
- On page 4 of the EAF #11 it states *does the project contain any species of animal life that is threatened or endangered species*, the applicant wrote “no”. However, Mr. Moriarty said that a professional should sign it, not the applicant and it should relate to a professional document and date.
- On page 5 of the EAF it states *project acreage to remain undeveloped 3.97 acres*, however we do not see where that figure comes from. We got 2.48, which is the conservation parcel. This number (3.97) needs to be clarified by the applicant he said.
- On page 5 of the EAF item #2 it states under Project Development *how much natural materials will be removed from this site*, the applicant states “zero” which, he said is almost unheard of. Is this figure accurate; if so this is a good thing because the goal is to remain neutral, but it does not sound right he said.
- On page 6 of the EAF item #16 it states *will project generate solid waste*. The answer is “yes”. It states *what facility will be used?* And they wrote *approved location*, but did not give the name of the facility, which is what this form is looking for -- where it is going.

Board member La Gue inquired about the facility and asked if the applicant is discussing garbage or sewage.

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Old Business:

G) Mitchell Subdivision:

Mr. Moriarty responded garbage, and noted that the statement should be answered properly.

- On page 10 of the EAF it states Verification and says *I certify that the information provided above is true and to the best of my knowledge.* The engineer wrote two different names (applicants/Mitchell) on the signature line, signed it himself, dated it and wrote his title. Mr. Moriarty informed the Board that it should only have the engineer's name, title and signature, not the applicants.
- On page EC-1/Drawings it shows woven wire fence but has an asterisk after that stating substitute *mirafi fence* (which is not a good substitute) he said. This product is a fabric that comes pre-made attached to wood, but it does not last long, is not as strong and is not a good substitute for woven wire fence he said.
- On page EC-1/Stockpile it says *that the stockpile should be seeded with rye grass after one week.* On the same page it says *that all topsoil shall be immediately seeded as specified with blue grass and rye grass.* Which is the applicant intending to do and what is the time frame?
- On page 3 of the EAF item #10 it says *do hunting, fishing or shell fishing opportunity presently exist on this project area?* The applicant wrote "no". However, Mr. Moriarty noted that upon site inspection there was a deer stand located on the property, so the answer should be "yes".

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Old Business:

G) Mitchell Subdivision:

Discussion ensued among the Board members with reference to this application and the correct way to prepare an EAF as well as who should be preparing this document i.e. (the engineer/not the applicant).

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A memo (#11-31) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Mitchell Subdivision Notice of SEQRA Actions, Designation of Lead Agency issued by the Planning Board at their meeting on June 14, 2011.

The Board members reviewed the materials submitted, performed a site inspection of the property and discussed the application among them.

There are numerous errors on the EAF submitted by the applicant and the applicant's engineer should correct them.

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

- 1) The plans submitted are the wrong size they are too small and illegible; there is a size requirement that has not been followed.
- 2) One of the main points of the conservation subdivision should be to reduce the number of the lots disturbed.
 - However, the EAF shows in one section 5 lots and in another section 4 lots.
 - The C.B. had asked for a reduction due to environmental constraints from four lots to three lots, which was not entertained by the applicant or the Planning Board.

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Old Business:

G) Mitchell Subdivision:

- The C.B. continues to recommend three lots for this subdivision due to the environmental constraints.
- 3) On page 1 of the EAF it states *this area for lead agency use only* (and it is underlined).
- Yet, the applicants filled it out for the Town. Why?
- 4) On page 2 of the EAF it says accessed (spelled incorrectly) and the document is hand written as well as there is a crossed out area that says 5 lots and they hand wrote in 4 lots.
- This document should be typed with no cross outs or markings showing errors.
- 5) On page 3 of the EAF it states *the total acreage of project area 3.13 acres*. However, if you take the total acre of property, 7.1 and subtract the conservation parcel, 2.48 the total comes to 4.62.
- We need clarity on how the applicant came to this number (3.13) for total project area, the disturbed part.
- 6) On page 4 of the EAF #11 it states *does the project contain any species of animal life that is threatened or endangered species*, the applicant wrote “no”
- However, a professional, not the applicant, should sign it and it should relate to a professional document and date.

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Old Business:

G) Mitchell Subdivision:

- 7) On page 5 of the EAF it states *project acreage to remain undeveloped 3.97 acres*, however we do not see where that figure comes from. We have 2.48, which is the conservation parcel.
 - This number (3.97) needs to be clarified by the applicant.

- 8) On page 5 of the EAF item #2 it states under Project Development *how much natural materials will be removed from this site*, the applicant states “zero” which is almost unheard of.
 - Is this accurate; if so this is a good thing because the goal is to remain neutral, but it does not sound correct for this parcel.

- 9) On page 6 of the EAF item #16 it states *will project generate solid waste*. The answer is “yes”. It states *what facility will be used?* And they wrote *approved location*, but did not give the name of the facility, which is what this form is looking for -- where it is going.

- 10) On page 10 of the EAF it states Verification and says *I certify that the information provided above is true and to the best of my knowledge*. The engineer wrote two different names (applicants-Mitchell) on the signature line, signed it himself, dated it and wrote his title.
 - It should only have the engineer’s name, title and signature, not the applicants.

- 11) On page EC-1/Drawings it shows woven wire fence but has an asterisk after that saying substitute *mirafi fence* (which is not a good substitute).

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Old Business:

G) Mitchell Subdivision:

- This product is a fabric that comes pre-made attached to wood, but does not last long, is not as strong and is not a good substitute for woven wire fence.
- 12) On page EC-1/Stockpile it says *that the stockpile should be seeded with rye grass after one week*. On the same page, it says *that all topsoil shall be immediately seeded as specified with blue grass and rye grass*.
- Which is the applicant intending to do and what is the time frame?
- 13) On page 3 of the EAF item #10 it says *do hunting, fishing or shell fishing opportunity presently exist on this project area?* The applicant wrote “no”.
- However, upon site inspection there was a deer stand located on the property, so the answer should be “yes”.

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

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The Board members took no further action at this time.

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Old Business:

H) MetroPCS NY @ Towne Centre/regarding Planning Board Minutes dated May 11, 2011: (ML)

The Conservation Board is in receipt of the above Planning Board Minutes for May 11, 2011 and they reviewed them at their meeting tonight.

On page 3 under MetroPCS NY @ Towne Centre it states that *a memo was received from the Conservation Board with five concerns and recommendations* and goes on to say by Consulting Engineer Joseph Barbagallo that *all outstanding items have been addressed and there are no objections to close the public hearing.*

However, the questions and concerns brought up by the Conservation Board in their memos #11-22 and #11-28 have not been addressed. Are they going to entertain our concerns as per those memos asked Board member Michael La Gue. The Conservation Board continues to have many questions regarding this application.

Discussion ensued among the Board members and they decided to write a memo to the Town Board, Joseph Barbagallo and the Planning Board.

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A memo (#11-32) will be sent to the Town Board, Planning Board and Joseph Barbagallo stating that the Conservation Board reviewed the above Planning Board Minutes of May 11, 2011 at their meeting on June 14, 2011.

The Board members reviewed the materials submitted, especially with reference to MetroPCS NY @ Towne Centre on page 3 of the Planning Board Minutes and the comments made by Consulting Engineer Barbagallo.

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

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Old Business:

H) MetroPCS NY:

- 1) On page 3 of the Planning Board Minutes Consulting Engineer Barbagallo made a statement that all outstanding items have been addressed and there are no objections to close the Public Hearing.
- 2) However, the applicant has not yet addressed the five concerns and recommendations from the Conservation Board in our memo #11-22 dated May 6, 2011 (that they are referring to) and seven concerns in our subsequent memo #11-28 dated June 9, 2011 and revised June 15, 2011.
- 3) If the Planning Board has addressed the C.B. concerns in memo #11-22 we would like to know how they were resolved and where we can find the documentation that addresses this resolution.
- 4) Is the subsequent C.B. memo #11-28 going to be entertained by the Applicant and the Planning Board?
- 5) The C.B. issues mentioned both in memo #11-22, #11-28 to our knowledge, has not been addressed, and the Board continues to have many concerns with this site.

The Conservation Board would appreciate the Planning Board addressing the concerns and recommendations put forth in memo #11-22 and #11-28 as well as any subsequent memo pertaining to this application.

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Old Business:

H) MetroPCS NY:

The Board members took no further action at this time.

New Business:

A) Naclerio/Site Plan/Planning Board dated May 21, 2011, Response to C.B. memo dated 10-22-10; Full EAF; Letter Tim Miller Associates dated 1-26-11/re: Soil Sampling Investigation; NYS-DEC Environmental Resource Map; NYS-DEC Wetland Map/WL-1; Current Conditions Plan/S-1; Proposed Conditions Plan-Details & Notes/S-2; Prepared by Insite Engineering, Surveying & Landscape Architecture, PC, (# 75 Rte. 6/before Mahopac Avenue/Rt. side): (JM)

The Conservation Board will review the above Planning Board application for Naclerio site plan, full EAF, sampling, environmental map, details and notes at their next meeting.

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

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

B) Discussion/ecological/information and letter from Anthony Sblendorio, CEO/re: regenerative land development firm specializing in creating eco-agro communities that go beyond definition of "green":

The Conservation Board is in receipt of the above documentation from a company called Ecological dated May 20, 2011.

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New Business:

B) Discussion/ecological:

Although the Board appreciates receiving new information, we are not directly involved with “green” building.

Some discussion ensued among the Board members and they decided to forward any subsequent information to the Town Board or ELLA for their review.

The Board members took no further action at this time.

C) FOIL Request/Town Clerk Pacella dated June 7, 2011/re: One Pepsi Way, C.B. memo submitted dated 6-8-11/Memo #11-25: (GM/RD)
C.B. Secretary Ms. Davis informed the Board that there was a FOIL request regarding One Pepsi Way for any resolutions that the Conservation Board made regarding this property since 2006.

As time was of the essence she explained that a memo was sent to the Town Clerk letting her know that the Board had not made any resolutions regarding this property.

Ms. Davis noted that the Board does not generally make resolutions regarding applications and did not do so for One Pepsi Way.

*

A memo (#11-25) was sent to Town Clerk Pacella stating that the

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New Business:

C) FOIL Request/Pepsi:

Conservation Board is in receipt of the FOIL Request by Cuddy & Feder, LLP by copy of an email from Town Clerk Pacella and a letter sent to Christine Smith of Cuddy & Feder, LLP dated June 7, 2011. The FOIL Request is for a copy of all resolutions concerning One Pepsi Way issued by the Conservation Board since May 2006.

The Conservation Board has not issued any resolutions regarding the above property located at One Pepsi Way since May 2006.

The Conservation Board does not routinely prepare resolutions for properties that they review.

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The Board members took no further action at this time.

D) Sussmann Mobil Station/Rte. 100 Realty, LLC /Site Plan/Planning Board/Project Drawings dated November 18, 2007, revised June 2, 2011 by Van Lent Architects & Planners & Bibbo Associates, LLP; Existing Conditions/SP-2; Site Plan 'A'/SP-3; Erosion Control & Construction Staging Plan/SP-6; Sand Filter & Other Site Details/SP-7; Additional Site Details/SP-8; Landscaping Plan/LP; Turning Radius Plan/TRP dated June 3, 2011; Prepared by Bibbo Associates, LLP, (Rte. 100/across from IBM): (GM)

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New Business:

D) Sussmann Mobil:

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

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

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

**E) Sussmann Mobil Station/Site Plan/Planning Board/Landscape Plan/LP,
(#Rte. 100/across from IBM): (ML)**

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station site plan, landscape plan at their next meeting.

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

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

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There being no further business to discuss, a motion to adjourn was made at 9:15 PM by Board member James Moriarty 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 June 28, 2011 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 12, 2011 and July 26, 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