

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
JUNE 28, 2011**

The June 28, 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.

Chairman Gary Meixner phoned the C.B. Secretary to inform her that he might have to leave the meeting early 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 James Moriarty to approve the minutes of the June 14, 2011 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of June 14, 2011 on page 18.

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.

The Board sent a memo (#11-29) to the Town Board requesting that they try to procure an additional member for the Conservation Board. In the memo the Board suggested that they might make use of the website and cable TV in order to advertise the volunteer position/vacancy.

This item will remain on the C.B. Agenda until such time as a replacement member is found or the Board members decide to remove it.

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Old Business:

A) C.B. Member:

The Board members took no further action at this time.

**B) Discussion C.B. Attendance at Meetings-Conflicts/Email to Supervisor
Murphy: (RD)**

The Conservation Board members discussed the above matter with reference to attendance at Board meetings at the meeting tonight.

C.B. Secretary Ms. Davis informed the Board that she emailed Supervisor Mary Beth Murphy and was told that the Board should use common sense when determining if a member will be able to participate in the meetings.

Supervisor Murphy explained in her email that there was no set attendance requirement in place at this time for Board members.

The Board members took no further action at this time.

**C) 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)**

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Old Business:

C) CEA's/Town:

The Conservation Board is in the process of compiling research on environmentally sensitive areas in Town with the purpose of establishing Critical Environmental Areas.

Board member Shoshana Hantman informed the Board that she attended a double meeting two weeks ago involving the Open Space Committee and Somers Land Trust.

Ms. Hantman went on to say that she learned a great deal about what is going on in Somers with those two entities. She informed the Board that they are working on a biological habitat map of Somers and they invited her to attend the meeting in order to help with her research on Critical Environmental Areas.

Chairman Meixner inquired about the location of the next meeting.

Ms. Hantman responded that there would be an informal meeting on July 7, 2011, which she plans on attending. She added that she was not sure of the location at this time.

Board member Hantman advised that the information provided at that meeting would be very useful to her while she is preparing her work on compiling information and developing Critical Environmental Areas (CEA's) in the Town of Somers.

Some discussion ensued among the Board members with reference to the subject matter of CEA's and the upcoming meeting.

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Old Business:

C) CEA's/Town:

The Board members took no further action at this time.

D) 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.

C.B. Secretary Ms. Davis asked the Board members if they would like to continue to keep this item on the agenda.

Board member Michael La Gue said that he thought it was important to keep this on the agenda. He noted that the Board is awaiting a response to the C.B. memo.

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Old Business:

D) Heritage Hills/Sewage:

He went on to say that the memo was submitted to the Planning Board requesting a revised wetland mapping of the area and put forth questions concerning the lake on the corner of Warren Street and the proposed buffer areas.

Mr. La Gue explained that this information was reviewed formerly by the Board members during the re-subdivision review process for Heritage Hills Sewage Treatment Plant.

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

The Board members took no further action at this time.

E) Homeland Towers, LLC/New Cingular Wireless PCS/LLC (AT&T); Santaroni/2580 Rte. 35; Site Plan/Planning Board; Section 37.13, Block 2, Lot 3; Letter of Authorization/Ch. 67 Application Processing Restrictive Law/Memo dated 4-14-11 from R. Gaudio, Esq., Color Constraints Map – Soil Types/CC-1; Color Constraints Map – Wetlands & Steep Slopes/CC-2; Prepared by Synder & Synder, LLP; (#2580 Rte. 35; Santaroni): (JP)

The Conservation Board will review the above Planning Board application for Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T); Santaroni/2580 Rte. 35, site plan, color constraints map, soil types, wetlands and steep slopes at their next meeting.

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Old Business:

E) Homeland Towers LLC:

Board member John Purcell will review the materials submitted perform a site inspection of the property and give a report to the Board.

As Mr. Purcell was not able to attend the meeting tonight further discussion on this application will be tabled until July 12.

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

C.B. Secretary Ms. Davis said that she would try to find out if Board member Purcell is going to attend a meeting and give a review or maybe she can pick up the application at his house.

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

F) 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 reviewed the above Planning Board application for Naclerio site plan, full EAF, sampling, environmental map, NYS-DEC wetland map, proposed conditions, details and notes at the meeting tonight.

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Old Business:

F) Naclerio/Site Plan:

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

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Report:

- Mr. Moriarty informed the Board that this site was reviewed last year when the applicant had an environmental violation on the property regarding un-clean fill that contained re-cycled bricks and asphalt, etc.
- He went on to explain that the applicant had loaded over 1000 cubic yards of fill on top of broken and cut trees that they had disposed of and everything washed down the hill into the wetland buffer area in the back portion of their property.
- Board member Moriarty explained that the applicant had installed erosion control fencing incorrectly at the last site inspection and some of the fill washed into the buffer area.
- He specified that last year it appeared that most of the debris had washed down the hillside and into the wetland buffer area.
- Mr. Moriarty advised that there had been a stop work order on the parcel and everything had to be resubmitted and revised including the plans.

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Old Business:

F) Naclerio/Site Plan:

- He informed the Board that the applicant resubmitted the plans and installed the recommended erosion control fencing in back and it stabilized everything so that nothing got through even during the heavy rain in this area last week.
- Board member Moriarty noted that the applicant used wire mesh and heavy staking and that it was correctly installed at the buffer line.
- Mr. Moriarty advised that he was pleased with the new plans and everything seems to be in order. He opined that if the applicant does everything that is depicted on the plans the project should go well.

Board member Hantman inquired about a possible change in management for the project.

Mr. Moriarty responded that it looked like someone gave the applicant some inexpensive fill and they took it, not knowing the possible consequences.

Board member La Gue asked if the inexpensive fill is remaining on the premises.

Mr. Moriarty said that the applicant did the required soil testing on the fill and it was considered to be within the limits of what is acceptable.

Mr. La Gue remarked that the fill is called "safe".

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Old Business:

F) Naclerio/Site Plan:

- Mr. Moriarty agreed that it was “safe” and went on to say that the applicants are in the process of stabilizing the fill and the trees that are recommended to be “welled”.
- Board member Moriarty said that he has a concern on page 1, item #5 of the document submitted by Insite Engineering. In response to a letter from Town Planner Hull, the applicant states that they are going to obtain general fill material to continue importing fill he said.
- However, the term *general fill* leaves room for potential problems in the future he said. The term *general fill* means that it would have debris and asphalt in the mix, which would not be a good choice. The document should be amended to say clean fill.
- Mr. Moriarty went on to say that if the applicant installs clean fill then it would appear to be an acceptable project as proposed.

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

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A memo (#11-33) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Naclerio site plan, soil sampling, environmental resource map, NYS-DEC wetland map, proposed conditions, details and notes at their meeting on June 28, 2011.

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Old Business:

F) Naclerio/Site Plan:

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

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

- 1) On Page 1, item 5, in Insite Engineering's letter dated May 31, 2011 to the Planning Board the applicant reiterates Town Planner Hull's memo dated October 22, 2010. The document states that the applicant would like to continue to import inexpensive fill "*general fill*" to be used to create a level, usable lawn area in the rear portion of the lot (wetland buffer/steep slopes).
 - This should state that **clean fill** will be used as general fill has too many contaminants (especially in the location of a wetland buffer/steep slopes).

- 2) In general and overall, the Board notes that the applicant and his engineer appear to have performed their due diligence on this site plan.

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

The Board members took no further action at this time.

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Old Business:

- G)** 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)

The Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station/Rte. 100 Realty, LLC, site plan, erosion control-construction staging plan, sand filter, site details and turning radius plan at the meeting tonight.

Chairman Gary Meixner reviewed the materials submitted, performed a site inspection of the property and gave a report to the Board.

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Report:

- The Chair noted that the site plan reflects that the applicant's have changed the entranceway for the fuel delivery trucks.
- He said that he has a legal question with regards to this application, as it appears that the applicant has revised the plans to have the fuel delivery trucks go in the exit and out the entrance.

Board member Michael La Gue inquired as to why this is taking place.

Chairman Meixner explained to the Board members that the truck has to be facing southeast in order to empty the truck of fuel.

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Old Business:

G) Sussmann Mobil Station:

Mr. La Gue asked if that is what they do now. He asked if they go in the entrance and out the exit.

Chairman Meixner said that now the truck goes in the entrance and out the exit. However, the revised plans show that the truck would have to go in the exit and out the entrance.

Mr. La Gue was wondering why they changed the plans if everything works all right now with the trucks using the entrance and exit properly.

The Chair responded that the revised plans show it to be that way. He opined that the Town, if they approve this, might have potential liability issues.

Discussion ensued among the Board members with reference to this proposed activity.

- Chairman Meixner commented that he would like to know the response from the DOT on this subject matter.

Board member Moriarty commented that in order to do what the revised plans depict the applicant would have to hire a certified flagman who could shut the entrance down while the refueling is taking place.

The Chair agreed and said that the applicant would in all likelihood have to close the station down while the tanker is re-fueling.

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Old Business:

G) Sussmann Mobil Station:

Chairman Meixner read from the document that comments on AIA prepared by the Hydro-Environmental Solutions Inc. team dated May 12, 2011. He stated that *item # 1 comment noted the AIA has been revised as requested*, but there is no information on what was done he said.

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Consulting Engineer Barbagallo's memo to the Planning Board dated June 21, 2011 regarding the Aquifer Impact Assessment read as follows:

- 1) *The AIA shall be revised to include the discussion required by 170-32.8 A (1). Addressed*
- 2) *The AIA shall be revised to address the requirements of 170.32.8 A (2); specifically as it relates to the particular design features to mitigate the water quality impacts of first-flush runoff from paved surfaces. Addressed*
- 3) *The Site Plan shall be revised to include in both plan and detail the roof runoff mitigation that was identified in the AIA as being required to comply with the technical requirements of Section 170-32.8 A (3). Partially Addressed – Test pits shall be completed along with soil percolation tests that demonstrate that the area proposed for installation of the Cultec system is suitable for infiltration purposes and that infiltration rates verify those assumed in calculations within the SPPP Report, dated May 31, 2011. The applicant shall provide a signed and sealed copy of soil percolation test data.*

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Page 3/Item #5/Report-Consulting Engineer Barbagallo:

The applicants have not heard from the DEC with reference to de-commissioning the ground water remediation and monitoring network.

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Old Business:

G) Sussmann Mobil Station:

The Planning Board is waiting to hear from the NYS-DEC via the applicant. This remains open at present and the site plan improvements cannot be completed until this takes place.

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Other New Site Plan Comments/Page 4/Item A/Report Engr. Barbagallo:

- A. The fuel tanker unloading area has been consolidated with the delivery truck unloading area. This consolidated area is located at the northern limits of the paved area. Although this modification does not affect the traffic circulation for the non-duel deliveries (which will continue to be counterclockwise and consistent with overall traffic circulation) it appears that the Fuel Tanker Loading area has been moved to accommodate clockwise circulation of the fuel tanker through the site which is opposite the primary traffic flow of the vehicular traffic for the site. The Applicant shall clarify and the Planning Board will need to consider:
1. Whether or not this traffic circulation for the Fuel Tanker truck is acceptable for all fuel deliveries, including when the site is open to the public.
 2. Whether or not this traffic circulation for the Fuel Tanker truck is acceptable before or after business hour.
 3. Whether or not restrictions will need to be incorporated onto the site plan to accommodate determinations made under 1 or 2 above.

Addressed, the fuel tanker unloading area and delivery truck unloading area has been separated as depicted on previous Application submissions. The current location of the fuel tanker unloading area allows for a truck travel pattern consistent with primary traffic flow.

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Old Business:

G) Sussmann Mobil Station:

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Discussion ensued among the Board members with reference to this application and in particular the positioning of the fuel truck.

Chairman Meixner said that the State DOT would have to approve this revised plan first and it is doubtful that it would get approval.

Board member La Gue specified that the applicant could not just arbitrarily change things around when it comes to something like this feature.

The Chair said that the Town Attorney would have to be involved in this matter.

The Board members discussed the possibilities regarding traffic flow and the fuel truck as they relate to the drawing submitted versus Consulting Engineer Barbagallo's memo to the Planning Board dated June 21, 2011.

- Chairman Meixner specified that *the project wetland consultant informed the applicants that the propane tank would have to be relocated outside the NYS-DEC wetland buffer. The new location is now shown on the site plan the detail has also been provided. The tank will be buried and piped to a filling station at the back of the building.*

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Old Business:

G) Sussmann Mobil Station:

The Chair and the Board members discussed the fact that the project has been going on for several years now and all of these features that should have been worked out originally appear to not have been addressed.

The Conservation Board members decided to send a memo to the Town Board, Planning Board and Consulting Engineer Barbagallo with reference to the C.B. concerns.

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A memo (#11-34) will be sent to the Town Board, Planning Board and Consulting Engineer stating that the Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station site plan, erosion control/construction staging, sand filter, site details and turning radius plan at their meeting on June 28, 2011.

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

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

- 1) As this application lies within the groundwater protection overlay district and wetland buffer area there is some concern regarding the proposed fuel delivery truck route through the station as was outlined in the plan dated June 2, 2011.
 - The proposed plan displayed the fuel truck using the exit for an entrance and vice versa.
- 2) It does not seem acceptable to have a fuel truck go in an exit and out an entrance.

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Old Business:

G) Sussmann Mobil Station:

- The revised plans submitted delineate the above scenario.
 - The Town Attorney should be consulted on this matter of liability.
 - What is the DOT comments on this activity?
- 3) Consulting Engineer Barbagallo's memo dated June 21, 2011 to the Planning Board, page four section A appears to contradict the submitted site plan that was reviewed by the Board.
- Are we missing some pertinent information on this project?
 - If so, kindly provide the Board with a copy of those documents.
- 4) The Board members would appreciate some clarity on this situation.

The Conservation Board will continue to review the Sussmann Mobil Station site plan 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)** 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; Landscape Plan/LP, (#Rte. 100/across from IBM): (ML)

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station/Rte. 100 Realty, LLC 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.

New Business:

- A)** Sussmann Mobil Station/Rte. 100 Realty, LLC/Amended Site Plan/Planning Board; Revised Construction Plans dated June 15, 2011; 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, Prepared by Bibbo Associates, LLC, (Rte. 100/across from IBM): (GM)

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station/Rte. 100 Realty, LLC amended site plan, revised construction plans, erosion control and additional site details at their next meeting.

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

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

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New Business:

- B)** Sussmann Mobil Station/Rte. 100 Realty, LLC/Amended Site Plan/Planning Board; Revised Construction Plans dated June 15, 2011; Landscaping Plan/LP, Prepared by Bibbo Associates, LLC, (Rte.100/across from IBM): (ML)

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station/Rte. 100 Realty, LLC amended site plan, and landscaping 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.

There being no further business to discuss, a motion to adjourn was made at 8:55 PM by Board member Shoshana Hantman 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 July 12, 2011 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 26, 2011 and August 9, 2011 respectively.

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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