

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
AUGUST 9, 2011**

The August 9, 2011 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Michael La Gue, James Moriarty, Gary Meixner

Absent: Stephen Flynn, Shoshana Hantman, Dr. Edward Merker,
John Purcell

Guests: **Town Board**/Richard Clinchy

Announcements:

Board member Shoshana Hantman informed the C.B. Secretary by email that she would not be able to attend the meeting tonight.

Board member Dr. Edward Merker informed the C.B. Secretary by email that he would not be able to attend the meeting tonight.

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Announcements:

Board member Stephen Flynn emailed the C.B. Secretary to inform her that he might be late for the meeting tonight.

Approval of Minutes:

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

Board member James Moriarty amended the Conservation Board Minutes of July 26, 2011 on page 12.

Chairman Gary Meixner amended the Conservation Board Minutes of July 26, 2011 on page 22.

Old Business:

- A)** 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 members reviewed the above Planning Board application for Heritage Hills Sewage Treatment Plant re-subdivision at their meeting tonight.

C.B. Secretary Ms. Davis said that she sent out the memo (#11-36) to the Town Board and has not heard back from anyone yet.

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Old Business:

A) Heritage Hills Subdivision:

Memo #11-36 asked the Town Board to look into having Heritage Hills subdivision plans redrawn to include the wetland areas with the appropriate setbacks, etc. so that if the new parcel that was created is developed then at least the map would be accurate.

Previously a memo (#11-14 dated March 18, 2011) was sent to the Planning Board stating the C.B. concerns and recommendations regarding the wetlands and the wetland buffer areas that were delineated by the applicant.

The memo that had been submitted to the Planning Board requested a revised wetland map of the area that is being subdivided. This was in order to address the C.B. environmental constraints that were noted by their site inspection of the Heritage Hills Sewage Treatment Plant re-subdivision review process.

The Board members had put forth questions concerning the lake on the corner of Warren Street, the proposed buffer areas and the wetland delineation on Rte. 202. They had been awaiting a response from the Planning Board on these issues.

Ms. Davis said that she could email the Supervisor and see if she could put it on her agenda and bring it up at the next Town Board meeting. She asked if there were any other comments from the Board and there were none.

The Board members took no further action at this time.

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Old Business:

- 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)

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

C.B. Secretary Ms. Davis advised the Board that Ms. Hantman was not available to give a report at this time.

Chairman Meixner said that the matter would be tabled until the next meeting.

The Board members took no further action at this time.

- D)** 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.

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

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Old Business:

C) Homeland Towers, LLC/Santaroni:

Chairman Meixner noted that he left a phone message for Board member Purcell.

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

**D) Environmental Violation/Cicciarella dated July 1, 2011/TM-16.06-1-61.1/installation of fill within wetland regulated area and conservation easement; Article 167-4B Town Code, (#50 Overhill Road/Shenorock):
(GM)**

The Conservation Board discussed the above environmental violation for Cicciarella for fill within a wetland regulated area and conservation easement at their meeting tonight.

The Board is in receipt of documentation from the Principal Engineering Technician regarding the above environmental violation for Cicciarella.

Chairman Meixner noted that he could not find the subject property in Shenorock, which is where he originally thought it was located.

The Chair explained that he spoke to Tom in the Building Department regarding the location of the subject property, but was not able to locate the site when he went out there.

Board member La Gue advised that he was not able to find the site when he went to Shenorock before the last meeting. He said that he found Overhill Road, but could not locate the site or the wetlands.

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Old Business:

D) NOV/Cicciarella:

Chairman Meixner said that there was a stream in back, but he could not locate the house. He asked Ms. Davis if she could speak to Steve and request a locator map that he could use for this application and also for future environmental violations.

C.B. Secretary Ms. Davis said that she would speak to Steve and get back to Chairman Meixner with the directions.

The Board members took no further action at this time.

E) C.B. Budget 2012/Sheets received from Town Supervisor dated July 7, 2011/must have original and six copies by August 15, 2011/Use figures from 2011 Adopted Budget Sheet: (RD)

C.B. Secretary Ms. Davis explained the Budget process to the Board members and the fact that the Supervisor called for the same budget as last year. She noted that the Budget should be in the Supervisor's office by August 15 with an original and six copies.

Ms. Davis informed the Board that some of the cartridges for the copiers are paid for by Info-Tech and they do not come out of the Conservation Board Budget. She said that information is very helpful as the C.B. Budget is very small and any help they can get is a good thing.

Board member La Gue pointed out that on page 1 of 4 there was an item that did not apply to what was filled in that spot. He said that the line said *overtime* (line .11) but was filled in with her salary.

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Old Business:

E) C.B. Budget 2012:

Ms. Davis said thank you to Mr. La Gue and made note that she had to white out the line that said *overtime* as that is where she had to input her salary information. She noted that *overtime, equipment and longevity* do not apply to her.

Discussion ensued among the Board members with reference to the C.B. Budget that was before them. Chairman Meixner mentioned that the Board does not get any financial compensation when it comes to wetlands, steep slopes or tree preservation permits. All revenue goes to the Planning Board.

Ms. Davis said that this is the same budget as last year. The only thing that has changed is that the Town Board took away most of the contractual monies that were available to the Conservation Board (\$2550.00) and left the C.B. with \$1000.00 for supplies and mileage and no money for education of the membership.

Ms. Davis went on to say that the years she has worked for the town has changed to 30 this year instead of 29 and the contractual changes (page 2 of 4) now state \$1000.00 instead of \$2550.00 which was decided at the budget hearing last year. She mentioned that even though she should not have to absorb the overtime she has no choice in the matter as the town refuses to increase her hours to more than part-time. She noted that she continues to work approximately 30 hours per week since the job became full time in 1988.

Ms. Davis advised that there are three file cabinets rusting in the basement, but there is no money available to replace them at this time. On page 3 of 4 the document states that the C.B. revenues are linked to the Planning Board revenues and currently are not available to the Conservation Board.

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Old Business:

E) C.B. Budget 2012:

She informed the Board that on page 4 of 4 it states that some of the cartridges can be billed to the Info-Tech budget and not from the C.B. budget, which is a good thing especially now in light of the decreased contractual line she said. She explained that she put in the request from the C.B. regarding hardwire Internet connection for Map Room for researching Town Code, Google Searching and Mapping purposes.

C.B. Secretary Ms. Davis said that she would appreciate someone going with her to the Budget hearing, as the Town Board does not appear to give her respect during the hearing.

Ms. Davis finished the discussion on the budget sheets by explaining the last sheet attached to the Budget that shows all items she performs without compensation from the town.

Chairman Meixner inquired about the date for the Budget hearing and mentioned that they should be given a choice of dates.

She responded that it is not known at present however if the date is inconvenient for someone then it could be switched to another day, but usually she said that she is the one that gets bumped.

Ms. Davis read the last page to the Board members and explained the bulk of what she does without compensation. She also showed them her time sheet and itemization which delineates what she is doing every half hour (in 9 font/2 pages) that is hypothetical because her hours are well in excess of 17 hours per week.

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Old Business:

E) C.B. Budget 2012:

Discussion ensued among the Board members with reference to revenues that are charged by other towns for applications and other matters concerning the Board.

Chairman Meixner asked if the budget hearing would be in September.

Ms. Davis said that at present she does not know.

The Chair asked for the number of applications and permits and a dollar amount from the Planning Board.

Ms. Davis said that she would look into the matter, however the past several years there has been no major revenue that she knows about.

Chairman Meixner said that he would just like to see what the Planning office is taking in from applications.

The Board members took no further action at this time.

F) Environmental Violation/Testa dated July 20, 2011/TM-6.16-2-31/installation of fill within wetland regulated area; Article 167-4B (3) Town Code, (#4 Hilldale Avenue/left off Butlerville Road): (GM)

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Old Business:

F) NOV/Testa:

The Conservation Board acknowledges receipt of the above environmental violation for Patricia Testa, 4 Hilldale Avenue at their meeting tonight.

Some discussion ensued among the Board members with reference to the location of this NOV for Testa that involved the installation of fill within the wetland regulated area.

Ms. Davis mentioned that it appears that the Board needs a GPS to find these properties in some cases. Otherwise, she said that the members keep driving around looking for a parcel that in many cases is unmarked.

Chairman Meixner said that he found the site by taking a left off Butlerville Road. He noted that the parcel was not developed at this time. He said that when you go up to the site it is a triangle piece of land where the owner has been filling in the property gradually over a period of years. He mentioned that there is a little opening below that can give access to the parcel.

Board member La Gue asked if the property is located below the road and looks like a field.

The Chair responded affirmatively and specified that now it looks like a field, but years ago there was water on the property.

Board member Moriarty inquired about the fact that the site inspection showed that it was just raw land then. He went on to say that the lot size says that it encompasses five acres (and is valued at \$27,000.00).

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Old Business:

F) NOV/Testa:

Chairman Meixner noted that the fine is \$1000.00 for this parcel. He was wondering if the owner was thinking of building on it and if so where would the potential septic be located. He went on to say that the site should be checked for former wetland violations and there is probably wood and stumps, etc. that were buried years ago under the fill.

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Report:

- The Chair observed that there is a shed on the property with a lean-to and firewood.
- Upon site inspection he noted that it appears that the owner has been filling in the wetland area for some time.
- The Chair advised that the past fill should be removed which may include tree stumps.
- He agreed with the Principal Engineering Technician's memo stating that the present fill should be removed also.

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Some discussion took place among the Board members with reference to the permitting process in town and the fees that are charged to the applicant.

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Old Business:

F) NOV/Testa:

The Board members decided to write a memo to the Principal Engineering Technician and Building Inspector stating the Board's concerns with this notice of violation.

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A memo (#11-39) will be sent to Principal Engineering Technician Woelfle and Building Inspector Citarella stating that the Conservation Board reviewed the above Environmental Violation for Testa regarding the installation of fill within the wetland regulated area at their meeting on August 9, 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) It appears that the owner of this parcel of property has been filling this wetland area for some time.
- 2) The Board members request that the applicant should remove all fill that has been put on the property.
 - The past fill should be removed, which may include tree stumps.
 - The present fill should be removed that was issued a NOV by the town.

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The Board members took no further action at this time.

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Old Business:

- G)** Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T), 2580 Rte. 35/Santaroni, Site Plan/Planning Board; Ltr to ZBA dated 7-7-11; Ltr from Tectonic to PB dated 5-5-11; Ltr to Homeland Towers Mr. Vicente from Sabre Towers & Poles Mr. McBreen dated 4-26-11; Ltr to CB/Meixner from Tectonic dated 5-25-11; Second Additional Radio Frequency Information/Site N dated 6-27-11; Scoping Documents Response; Visual Impact Analysis dated July 2011-prepared by VHB Engineering, Surveying & Landscape Architecture, PC; Wetland Buffer Mitigation Plan/Z-6; Wetland Buffer Mitigation Details/Z-6A; Prepared by Snyder & Snyder, LLP, (#2580 Rte. 35/Santaroni): (JM)

The Conservation Board reviewed the above Planning Board application for Homeland Towers, LLC/New Cingular Wireless PCS, LLC (AT&T), 2580 Rte. 35/Santaroni, site plan, letter to the C.B., Scoping documents, visual impact analysis, wetland buffer mitigation plan and wetland buffer detail plan at their meeting tonight.

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

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Report:

- Mr. Moriarty informed the Board that they have reviewed this application before. He noted that the report had some radio frequency information that showed the voids that would be filled by this application.
- The documents that were submitted on the Visual Impact Analysis state on page 15 that *Rte. 35 in the areas where visibility of the proposed facility might occur is not specifically intended for vista appreciation . . .it does not contain any scenic overlooks and is a valley that is best observed from the surrounding hillsides.*

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Old Business:

G) Homeland Towers, LLC/Santaroni:

- He went on to say that there are Parks that surround the area and noted that the proposed cell tower location is in a scenic location with a stream crossing the property. He commented that when the applicant is finished the area would not be intended for vista appreciation, but now it is a really beautiful area.

Chairman Meixner asked if the property is past Wood Street.

Board member Moriarty said that the site is past Lasdon Park on the left and there is a house at that location that sits back from the road.

- Mr. Moriarty noted that on page 31 at the bottom of the page there appears to be a false statement. It states that *16 native tree species will be planted and seeding with native grasses and wild flowers will enhance the buffer*, however they are destroying the buffer by putting a driveway through it and a monopole he said. They should not be submitting a document that says it would enhance the buffer.
- He advised that on plan Z-6, Wetland Mitigation Plan, Mitigation Notes #6 *states that a double layer of orange plastic construction fence will be installed around the base of each tree*. However, they will be driving over the root systems of those trees, so they would not be saved as compaction will occur as the fencing is not outside the dripline of the trees.
- Also he said that on plan Z-6A, Wetland Mitigation Details, the size of the trees that they are planting is deceiving. They state that the trees will be 2" to 6" in caliper.

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Old Business:

G) Homeland Towers, LLC/Santaroni:

- However he said that they are talking about a tree that is worth \$30.00 to a tree that is worth \$4000.00, which is a great variety in size. It does not sound as if they are going to plant mature trees he said as the documentation suggests that they may be installing smaller trees.

Board member Michael La Gue agreed and said that they also spelt the names of the trees wrong i.e. *tulip popular* should be tulip poplar.

- Mr. Moriarty said that if this is approved and they put in 2" caliper trees, then the area would be sparse and underdeveloped for years besides the massive tree cell tower. He advised that it should not be in the buffer zone at all.

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Chairman Meixner agreed and noted that the town should not be entertaining this application.

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

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A memo (#11-40) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Homeland Towers, LLC/New Cingular Wireless PCS, LLC AT&T 2580 Rte. 35/Santaroni site plan, wetland buffer mitigation plan and details at their meeting on August 9, 2011.

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

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Old Business:

G) Homeland Towers, LLC/Santaroni:

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

- 1) The Visual Impact Analysis states on page 15 that *Rte. 35 in the areas where visibility of the proposed facility might occur is not specifically intended for vista appreciation . . .it does not contain any scenic overlooks and is a valley that is best observed from the surrounding hillsides.*
 - Parks surround the area.
 - The proposed cell tower location is in a scenic area with a stream crossing the property.
 - When the proposed activity is complete then the area would not be intended for vista appreciation, but now it is a beautiful area.

- 2) The Visual Impact Analysis on page 31 appears to have a false statement at the bottom of the page. It states that *16 native tree species will be planted and seeding with native grasses and wild flowers will enhance the buffer.*
 - However, they are destroying the buffer by putting a driveway through it and a monopole.
 - The applicant should not be submitting a document that states that it would *enhance* the buffer area.

- 3) On plan Z-6, Wetland Mitigation Plan, Mitigation Notes #6 states that *a double layer of orange plastic construction fence will be installed around the base of each tree.*

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Old Business:

G) Homeland Towers, LLC/Santaroni:

- However, the construction vehicles will be driving over the root systems of those trees, so they would not be saved, as compaction will occur.
 - The fencing is not outside the dripline of the trees as was recommended by this Board.
 - The applicant should be avoiding the buffer zone completely.
- 4) On plan Z-6A, Wetland Mitigation Details, the size of the trees that they are planting is deceiving. They state that the trees will be 2” to 6” in caliper,
- However they are talking about a tree that is worth \$30.00 to a tree that is worth \$4000.00, this is a large variety in size.
 - It does not sound as if the applicant is going to plant mature trees.
 - The area would be sparse and underdeveloped for years to come (save the massive cell tower).
- 5) The applicant also made some errors in the spelling of tree names; i.e. *tulip popular* should be tulip poplar.

The Conservation Board will continue to review the plans for Homeland Towers, LLC/New Cingular Wireless/Santaroni as revisions are submitted.

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Old Business:

G) Homeland Towers, LLC/Santaroni:

The Board members took no further action at this time.

H) MetroPCS NY @ Lincoln Hall School/dated June 9, 2011 & July 18, 2011, Site Plan/Planning Board; Ltr PB dated 7-18-11/taxes, etc; Compound Plan & Elevation/S-1; Ltr PB dated 6-9-11; Full EAF; Exhibits A, B, C, D, E, F, G, H, I, J; Title Sheet/T-1; Compound Plan & Elevation/S-1; Construction Details & Notes/S-2; Boundary Survey-Crown Castle/Site ID 806904; dated 12-6-10; Prepared by Cuddy & Feder, LLP, (Lincoln Hall School/Rte.118 off Rte. 139): (GM)

The Conservation Board reviewed the above Planning Board application for MetroPCS NY @ Lincoln Hall School, site plan, full EAF, compound plan-elevation, exhibits A-J, compound plan-elevation and construction details at their meeting tonight.

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

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Report:

- The Chair informed the Board that he went on site (with an escort) through the main entrance around the fields, make a left (church on right) and up behind a beautiful piece of land. He noted that the pole has been on this site 26 years.
- He explained that the applicant is proposing to extend the pole 15-ft. higher and build a box on the side of the existing structure.

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Old Business:

H) MetroPCS NY @ Lincoln Hall School:

- Chairman Meixner informed the Board that the paperwork exhibits the site as 447 acres, however the cell tower company only leases a small section near the cell tower. The entire site is comprised of 447 acres.
- The dwelling setback required is 500 ft. he said, however the existing plans show 345 ft. and the document submitted says 350 ft. The Chair explained that the applicant couldn't be grandfathered in on this application, as the law is a new law.
- The Chair went on to say that the document states that *the contractor shall comply with all applicable codes, ordinances, laws, regulations, permits and inspections. They shall be responsible for obtaining all permits, inspections that may be required, any federal, state, county or municipal authorities.*

Board member La Gue said that the Chairman brings up a good point. As the applicant clearly states 385 ft. to the nearest school then how will they be able to go forward with this application.

- Chairman Meixner mentioned that it appears to be a lot closer than 300 ft. because there is a Lincoln Hall cottage right down the hill below this structure.

Board member Moriarty responded that they would have to obtain a variance. He noted that variances are given out frequently in this town while other towns do not do that.

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Old Business:

H) MetroPCS NY @ Lincoln Hall School:

- The Chair noted that the existing tower/antenna is 95 ft. high and the new structure would be an additional 15-ft.

Discussion ensued among the Board members with reference to the legal owner of the property and the people/children that live on the premises.

- Chairman Meixner read that *the proposed activity will not produce any discernable noise, dust, fumes, odors, heat or vibrations and will not result any significant ground disturbance on the existing 447 acre parcel or have any impact on existing stormwater drainage facilities.*
- He went on to say that the application states that *no portion of the proposed facility would contain commercial signs.* However, there are signs stating that it is dangerous.
- The Chair informed the Board that the cell tower is near the existing water tower in that area.
- The application states that *there are no wetlands, wetland buffers or watercourses in the proposed project location.* He noted that when one is up there they need to drive across the lawn to turn around and mentioned that there should be a turn around for trucks, cars, etc.
- The Chair specified that the Board needs to see a set of plans that show the location of the buildings and the distance from each of the cottages/dwellings, the school and any wetlands or streams that are nearby.

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Old Business:

H) MetroPCS NY @ Lincoln Hall School:

- He commented that the applicant requires variances from the inception of the project as they state *that it does not meet Town Code.*

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Some discussion ensued among the Board members with reference to this proposed project. The Chair noted that the actual site leased is probably around four acres.

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A memo (#11-41) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for MetroPCS NY @ Lincoln Hall School site plan and construction details at their meeting on August 9, 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) The Board would appreciate the applicant providing a site plan that shows the location of the buildings.
 - The distance from the cell tower to the cottages/dwellings and school.
 - The plans should exhibit the location of wetlands and streams in the nearby vicinity.

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Old Business:

H) MetroPCS NY @ Lincoln Hall School:

- 2) The applicant states that the site is 447 acres, but they only lease a small section of the property around the cell tower not the entire acreage, which should be reflected on the plans submitted.
- 3) Variances should be required from the inception of this project as the applicant states that it does not meet Town Code.
 - Dwelling setbacks are 500 ft., the existing plans show 345 ft., and the documentation states 350 ft.
- 4) The cell tower location does not exhibit a turn around area for trucks and cars. Currently the lawn is being used for that function.
 - The applicant should construct a turn around at the site for vehicular traffic.

The Conservation Board will continue to review this application for MetroPCS NY @ Lincoln Hall School as revisions are submitted.

The Board members took no further action at this time.

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Old Business:

- I) ELLA (Environmental Leaders Learning Alliance)/Mapping of ISF (Invasive Strike Force) through out the region using volunteers; one day training (*Invasive Plant Study*) was provided for the strike force crew on July 10, 2011 at Teatown Reservation/Report forthcoming: (ML)
The Conservation Board members discussed the above information from Dr. Rubbo regarding the creation of an ISF (invasive strike force) through volunteers and training that would involve one day of training.

Board member Michael La Gue volunteered to take this training session offered by ELLA entitled *Invasive Plant Study* and involving the creation an invasive strike force to implement the mapping of invasive species along certain trailways as designated by ELLA.

Mr. La Gue informed the Board that he was not able to fulfill his obligations on the original proposed trail site located at Reis Park, as it was too overgrown.

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Report:

- History: Board member La Gue explained that after training he was given a trail at Reis Park (behind the tennis court) called the Blue Trail but it was overgrown with chest high weeds, fallen trees, and probably ticks, etc.
- He wrote back to ELLA and explained the situation and they told him that they would give him a new trail, as he was not expected to blaze the trail while looking for invasive plants.
- Board member La Gue advised that he was given a new trail to locate invasive species at the Ward Pound Ridge Reservation.

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Old Business:

I) ELLA/Mapping ISF:

- He informed the Board that ELLA said that they would contact the Open Space Committee with reference to the overgrown trail at Reis Park in order to make sure that it meets the standards for an accredited trail.
- Mr. La Gue noted that the trail would have to be certified (accredited) first and meet certain standards before he could explore for invasive species.

Discussion ensued among the Board members with reference to the trails in Somers and particularly those located near Plumbrook Road and the Mt. Zion Church.

The Board members took no further action at this time.

**J) NYS-DEC/Hudsonia Ltd. A Short Course in Biodiversity Assessment on August 30, 31 & September 1 from 9-5 in Dutchess County, NY/Norrie Point Environmental Center, Staatsburg/Report forthcoming: (SH)
The Conservation Board members acknowledge receipt of the above information from the DEC regarding *A Short Course in Biodiversity Assessment*.**

Board member Shoshana Hantman has informed the Board that she is volunteering to attend this course at the end of August.

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Old Business:

J) NYS DEC/Course Biodiversity:

A report will be forthcoming to the Conservation Board sometime there after when the course has been completed.

The Board members took no further action at this time.

K) Dowd/Environmental Violation dated July 5, 2011/TM-17.08-3-3/working in steep slopes without a permit; Article 148-5B Town Code, (#14 Deans Bridge Road) CB memo #11-37: (JM)
The Conservation Board reviewed the above C.B. memo #11-37 for Dowd environmental violation dated August 6, 2011 and discussed the application among them.

Board member Moriarty explained that he had an update on the project, which is located near his residence.

The project has been going on for over a month since the original violation to the property he said.

Mr. Moriarty noted that now there is a river of mud going down the road where the site is located and he showed the Board photos that he had taken of the area.

He said that there is no real protection/erosion control on site and this needs to be corrected as soon as possible.

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Old Business:

K) NOV/Dowd:

He noted that the C.B. memo is dated August 6, 2011, but the violation has been going on since July 5, which is over one month.

Discussion ensued among the Board members with reference to the activity/or lack of it on the violation site.

Chairman Meixner advised that the problem has not been corrected to date.

C.B. Secretary Ms. Davis asked if they would like her to contact the Principal Engineering Technician via email and find out what is going on with the site and inform him that the conditions have worsened.

The Chair and Board members responded affirmatively.

The Board members took no further action at this time.

New Business:

A) Town Board Referral/Request to donate land #16, 18, 20 Myrtle Drive (known as tax map 5.19-1-21, 22, 23) as per letter dated June 28, 2011 from Bryan Miller & Elizabeth Ferszt-Miller/resolution adopted July 7, 2011 and dated July 13, 2011: (ML/GM)

The Conservation Board is in receipt of the above referral from the Town Board for a request to donate land from Bryan Miller & Elizabeth Ferszt-Miller at #16, 18, 20 Myrtle Drive in their resolution adopted July 7, 2011 dated July 13, 2011.

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Old Business:

A) Town Board Referral/Miller/Myrtle Drive:

Board member Michael La Gue or Chairman Meixner will perform a site inspection of the property and give a report to the Board at the next meeting.

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

B) The Green @ Somers/(formerly North End at Somers) Site Plan/Planning Board dated July 26, 2011, Section 4.20-1-3.1; Maximum building footprint/8,400 SF; Dwelling Units/74; Affordable Housing/40-48; Restaurant Space/4,000 SF; Building Coverage/38,460 sf; Site Coverage/144,900 SF; Steep Slope Permit; Full EAF; Stormwater Management-Erosion Sediment Control Plan; Environmental Constraints Plan/2; Topography dated May 23, 2011; Building 1 Preliminary Exterior Rendering/A.100; Parking & Retail Level Floor Plans/A.101; Apartment Level Floor Plan & Elevation/A.102; Site Plan/1; Soil Map/2; Dimensioning Plan/3; Drainage & Utility Plan/4; Sediment & Erosion Control Plan/5; Standard Details/6, 7, 8, 9; Watershed Map/10; Watershed Map-Developed/11; Prepared by Nathaniel J. Holt, PE, (Rte. 6/Site of the Driving Range): (JM)

The Conservation Board will review the above Planning Board application for the Green @ Somers (formerly North End at Somers) site plan, full EAF, steep slope, stormwater management-erosion sediment control, environmental constraints and watershed map 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.

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Old Business:

B) The Green @ Somers/formerly North End:

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 9:30 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 August 23, 2011 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on September 13, 2011 and September 27, 2011 respectively.

Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

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