

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
SEPTEMBER 14, 2010**

The September 14, 2010 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Shoshana Hantman, Michael La Gue, Dr. Edward Merker, James Moriarty, John Purcell, Gary Meixner.

Absent: Eric Evans

Guests: **Dr. Michael Rubbo**/Teatown - ELLA
Mr. Michael Barnhart/Open Space Committee

Announcements:

Welcome Michael Barnhart and Dr. Michael Rubbo to the Conservation Board meeting to discuss Teatown's Environmental Leaders Learning Alliance Program/ELLA.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 2

Approval of Minutes:

A motion was made by Shoshana Hantman and seconded by James Moriarty to approve the minutes of the August 10, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of August 10, 2010 on page 26.

A motion was made by Dr. Edward Merker and seconded by James Moriarty to approve the minutes of the August 24, 2010 regular meeting of the Conservation Board. All members present approved.

Board member James Moriarty amended the Conservation Board Minutes of August 24, 2010 on page 19.

Old Business:

- A)** Sussmann Mobil Station/Site Plan-amended/Planning Board & memo dated August 16, 2010, Project Drawings SP-2/Existing Conditions, SP "A"-3, SP-6/Erosion Control-Construction Staging, SP-7/Sand Filter-Details, SP-8/Site Details revised 7-28-10; Stormwater Pollution Prevention Plan revised 7-28-10; Prepared by Bibbo Associates LLP, (Rte. 100/across from IBM): (EM)

The Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station site plan, amended, erosion control-construction staging, site details and stormwater pollution-prevention plan at their meeting.

Board member Dr. Edward Merker reviewed the materials submitted and gave a report to the Board.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 3

Old Business:

A) Sussmann Mobil Station/Site Plan:

*

Report:

- Dr. Edward Merker read from the document received from the applicant/re: *Details/it is anticipated that the ground water remediation program will be suspended and decommissioned in the near future, this project cannot proceed without the monitoring treatment aspect being decommissioned.*

Chairman Meixner said that he thinks the New York State DEC is the responsible party to decommission the monitoring/remediation of the ground water on site.

The Chair went on to say that the existing feature recycles the water and once the water is exposed to the air, chemicals can evaporate.

- Dr. Merker noted that there are many details and the applicant appears to be avoiding any seepage of either particulate matter or oil from entering the ground water. There is an oil separator that goes into a pit, which is a pre-treatment area that flows over into a sand filter area where it settles. When this feature is full then the water overflows to a pipe that brings it into the pond in back. He noted that the consulting Town Engineer would review the adequacy of the proposed procedure.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 4

Old Business:

A) Sussmann Mobil Station/Site Plan:

Chairman Meixner mentioned that the proposed features are superior to what exists there now. However, he advised that there are oil separators present on site now.

Dr. Merker agreed with the Chair.

C.B. Secretary Ms. Davis inquired about the basement plans, which were revised for construction of an office space.

- Board member Merker said that there was an entrance to the basement, but no plans.
- He noted that the applicant's plans exhibit the erosion control feature as *steel or wood posts*.

The Board members discussed the application and thought that the applicant should be made aware that the plans should exhibit only steel posts, not wood due to the sensitive nature of the proposed application.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 5

Old Business:

A) Sussmann Mobil Station/Site Plan:

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

*

A memo (#10-34) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Sussmann Mobil Station amended site plan, erosion control-construction staging, site details, and stormwater pollution prevention plan at their meeting on September 14, 2010.

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

- 1) In the detail section of the plans, the applicant noted that they would employ steel stakes **or** wooden stakes.
- 2) It is imperative that the applicant should employ **steel stakes with welded wire mesh backing and filter fabric overlay** due to the nature of the disturbance and the location of Rte. 100 and the nearby wetlands.

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

**

The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 6

Old Business:

- B)** Homeland Towers/Cingular Wireless PCS, LLC, AT&T/121 Rte. 100; Site Plan/Planning Board, & memo to PB dated August 9, 2010, Tectonic Engineering & Surveying Consultants, Wetlands document dated July 14, 2010, CC1-Color Constraints Map-Soils; CC2-Color Constraints Map/Wetlands-Steep Slopes; T1-Title Sheet; Z1-Plot Plan-Adjoiners; SP1-Site Plan; Z1A-Partial Site Plan; Z2-Setback Map & Bulk Requirements Table; Z3-Detail Plan; Z4 & Z5-Elevations; Z6-Equipment; Details-Notes; Z7-AT&T Equipment/Details; Z8 & Z8A & Z9-Erosion Control and Stormwater Management; Details-Notes; C1-Wetlands; Watercourse Map; C2-Regulated Buffer Disturbance Area; E1-One Line Diagram; Details; E2-Grounding Plan; Details-Notes; L1-Landscape Plan; Prepared by Snyder & Snyder, LLP, (#121 Rte. 100/Amato): (JM)
The Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless/AT&T wetlands, constraints-soils map, wetlands, steep slopes, details, erosion control-stormwater management and landscape plan at their meeting.

Board member James Moriarty reviewed the materials submitted and gave a report to the Board.

*

Report:

- Mr. Moriarty informed the Board that the plans had been revised and updated by the applicant and then resubmitted with the new information.
- The entire project is located on a steep slope area and would have to cross the wetland buffer to obtain entrance he said. The proposed effort will require three variances by the applicant (via the Zoning Board).

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 7

Old Business:

B) Homeland Towers/Cingular Wireless:

- Mr. Moriarty commented that the property is portrayed as raw land on the information submitted, however the site exhibits six buildings, making the concept of *raw land* a moot point.
- He mentioned to the Board that on page 3 of 21 in the report prepared by Tectonic dated July 14, 2010 the EAF has misspelled the word environmental (*environemntal*).
- On page 15 of 21 in the EAF item number 10 the question is asked; *will the proposed action affect agricultural land resources?* The applicant replied, *no*. However, he said that the answer should probably be yes (as it will diminish the use of the land for agricultural purposes).

A brief discussion ensued among the Board members with reference to the present usage of the farm for agricultural purposes.

Board member John Purcell informed the members that the applicant (Mr. Amato) continues to plant corn in the lower field.

- Mr. Moriarty advised the Board that the raw land appears to have some development as there are twenty trucks parked on the premises (along with the six buildings previously mentioned).

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 8

Old Business:

B) Homeland Towers/Cingular Wireless:

- There are a few more concerns with this property he said. One of them being that there is hydric soil on this parcel and the hydric soils bisect the property.
- Mr. Moriarty informed the Board that there is a letter dated August 9, 2010 to the town Planning Board that states on page D-4 *the project will not result in the following: #4 states the removal or disturbance of hydric soils.* He directed the Board to proceed to the map exhibiting hydric soils where there is a driveway proposed to go across that feature, (which appears to disturb hydric soil).
- He explained that if the driveway goes through as proposed it would be a fully compacted area with construction vehicles going across the hydric soil to build the road and so forth. He made note that some of the information submitted may not be accurate and should be revisited by the applicant.
- Board member Moriarty pointed out that on page CC1 the applicant referred to the Town Code but altered its content by saying that *there are no dwelling units, places of worship, schools or daycare centers within 500 ft. of the proposed monopole.* That is not a totally accurate portrayal of the Town Code, he said rather the document should say *facility not monopole.*

**

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 9

Old Business:

B) Homeland Towers/Cingular Wireless:

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

*

A memo (#10-35) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Homeland Towers/Cingular Wireless PCS LLC, AT&T/#121 Rte. 100, site plan, wetlands, steep slopes, erosion control, stormwater management, and landscape plan at their meeting on September 14, 2010.

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

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

- 1) The entire project is located in the steep slope area and crosses the wetland buffer area for access.
- 2) The applicant under Project Information refers to the proposed property as *raw land*, however at present there are six buildings located on the site.
- 3) On the Tectonic Report EAF page 3 of 21, the applicant misspelled the word environmental.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 10

Old Business:

B) Homeland Towers/Cingular Wireless:

- 4) On the Tectonic Report EAF page 15 of 21, #10, it states *will the proposed action affect agricultural land resources*. The applicant replied "No".
 - However, to some extent the land cannot be used for planting crop as it will have a cell tower and facility equipment, so it will impede some of the agricultural land resources.
 - The answer should probably be yes, to some extent.

- 5) In the applicants letter to the Planning Board dated August 9, 2010, item D-4, they state that *the project will not result in the removal or disturbance of hydric soils* (located on the property).
 - However, the applicant intends to put their driveway across the hydric soils, which will result in both the removal and disturbance of hydric soils.
 - The applicant should review this document for accuracy.

- 6) On page CC1, the applicant refers to the Town Code and states that *there will be no dwelling units, places of worship, nursery schools within 500 ft. of the monopole*.
 - The Town Code uses the word *facility* not monopole.

- 7) The applicant continues to exhibit a residential driveway for this facility.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 11

Old Business:

B) Homeland Towers/Cingular Wireless:

- The Board strongly recommends that the applicants install a commercial driveway for this facility as it proposes a commercial use of the land and will impact traffic control on Rte. 100.

The Conservation Board will continue to review the application for Homeland Towers as revisions are submitted.

**

The Board members took no further action at this time.

C) CD/Acting Commissioner Edward Burroughs letter dated 6-30-10/re: Flooding & Land Use Planning-A Guidance Document for Municipal Officials and Planners/pass disc-C.B. members: (EM/JP)

C.B. Secretary Ms. Davis announced that Board member John Purcell decided to make copies for the Board members so that the original CD did not have to be passed around one person at a time.

Chairman Meixner said thank you very much.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 12

Old Business:

C) CD/Flooding /Land Use:

Ms. Hantman inquired about the origin of the CD.

Dr. Merker responded Westchester County.

The Board members thanked Mr. Purcell for making the CD's available to all of the Board members.

The Board members took no further action at this time.

D) Guerrero/#213 Rte. 100/Site Inspection/Update: (GM)
C.B. Secretary Ms. Davis advised the Board members that this item would have to be tabled for further discussion. She went on to explain that Chairman Meixner and the Building Inspector has been missing one another's phone calls.

The Chair mentioned that he would also like to visit the State Highway Department to ask them some questions.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 13

Old Business:

D) Guerrero/#213 Rte. 100:

Some discussion ensued among the Board members with reference to this application. Chairman Meixner said that he would follow through and get back to the Board at the next meeting.

Ms. Davis noted that this item would be tabled until the next meeting, a report will be forthcoming at that time.

The Board members took no further action at this time.

New Business:

A) Presentation/Michael Barnhart/Dr. Michael Rubbo from Teatown Lake Reservation to discuss Environmental Leaders Learning Alliance Program/ELLA:

Chairman Meixner and the Conservation Board members welcomed the two guests to the meeting and they introduced themselves.

Dr. Rubbo said that he would like to speak about Teatown's ELLA Program to the Conservation Board members. He informed the Board that he is representing Teatown and his name is Michael Rubbo. His title is the Director of Science and Stewardship. He specified that recently he became more involved with the ELLA Program, the Environmental Leaders Learning Alliance and asked if everyone was familiar with that program?

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 14

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Chairman Meixner advised that some of the members are familiar and some are new to the Board.

Dr. Rubbo said that ELLA is a program that was started around 2008 that is meant as a training opportunity for Conservation commissions throughout a region that we are calling the Hudson Hills and Highlands he said.

He continued his explanation stating that he has a map, which shows the area that they are referring to which encompasses the lower Hudson watershed with the Highlands region, which basically is northern Westchester and Putnam County. We would like to offer an opportunity for leaders from this area to get together and have training and support in order to serve on Conservation Commissions and Boards.

Dr. Merker inquired about the types of Boards and Commissions that were originally invited to participate.

Dr. Rubbo said that originally it was only open to Conservation Commissions, Boards, Open Space Committees and sometimes Wetland Committees or entities of that nature. However, he said that this January (2011) they are going to open up ELLA to Planning Boards, Zoning Boards and even Town Boards if they are interested.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 15

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Board member Merker said that he thought it was a good idea to open up the membership. He went on to say that part of the existing problem we have noticed in the review process is that the Conservation Board comes up with concerns and recommendations. Quite often they hit a road block simply because other Town organizations do not know what we are talking about, which could quite possibly be addressed by other Boards attending ELLA conferences.

Dr. Rubbo commented that initially they (ELLA) were afraid of becoming overwhelmed, as there are 31 municipalities. However, right now we are about 140 members strong. He went on to say that they wanted to come out and meet everyone to put a face to the emails/correspondence. He stressed the fact that they are here to support the C.B. and strive to be a worthwhile resource for your organization.

One of the things that I have been asking the groups he said was what types of reviews are primarily going on with the Board. Is it site plan review or subdivision reviews and things of that nature or outreach and education?

Chairman Meixner responded that the work encompasses site plan reviews from the Planning Board, along with subdivision reviews and some administrative reviews although there is an administrative review team and the Board does not get much opportunity to comment. In fact he said that we have some questions for you after your presentation is complete.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 16

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Dr. Rubbo canvassed the Board members and asked if there was anything that would be useful to the Board that they (ELLA) could provide some training or other resources that could help them do a better job.

Chairman Meixner mentioned that Dr. Merker has been to a couple of the ELLA meetings at Teatown.

Board member Merker responded that he would like to discuss a few of the projects on the table now for C.B. review. He questioned when is impingement significant? How much is too much? During the process recommendations are put forth and sometimes the developers embrace our ideas, while other times there is no mention of what the Board suggested.

Dr. Merker advised that he has been on the Conservation Board for two years and the few times that projects were turned down the Planning Board decided to overrule us by a super majority.

For your information, he said that a super majority is simply a vote of five out of seven members on the Planning Board, instead of four. It appears to make them more responsible for the vote.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 17

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Chairman Meixner noted that the Conservation Board does not usually turn a lot of applications down, rather we try to work with the applicant and the plans that are put before us. But we could use some advice as to when the disturbance is significant and when it is not.

Dr. Rubbo commented that sometimes it is difficult because there are many gray areas in these types of endeavors. We probably could develop some sort of tool kit that has some standards or thresholds.

Dr. Merker said that one of the sessions he attended at Teatown they were looking at subdivision applications and planning them out in groups. He said that it involved working with the land and making an educated decision as to what should be done. What is the best way to deal with these projects?

Chairman Meixner mentioned a recent application that involved steep slopes that the Board thought significant, somewhere on Rte. 118.

Ms. Hantmann said the one with four houses and the steep slopes.

Mr. Barnhart noted that it might be interesting to see if there were a number of people that were interested maybe ELLA could collect the most difficult cases and turn them into a workshop.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 18

New Business:

A) Presentation/Dr. Rubbo/ELLA:

The students could work on towns other than their own so that they would not know the outcome before hand he said.

Chairman Meixner said that it would be most beneficial if the actual outcome was not discussed prior to the class.

Dr. Rubbo advised that he has spoken to other environmental Boards and they have had similar problems and questions, specifically with regards to wetlands, as they have to review the permits for the town and are always asking the question, how much is too much disturbance.

Board member Merker said that recently they reviewed two swimming pool applications, both located in the wetland buffer zone. One application was infringing on a portion of the deck, but in the other the pool, deck and house were located in the wetland buffer area. He questioned where do we draw the line? What is not significant?

Dr. Rubbo asked if there was anything else he could work on?

Dr. Merker said that another consideration is that quite often the Board reviews a project, but does not have the information on what surrounds the project in the neighboring parcels.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 19

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Chairman Meixner commented that it should be part of the application process. He said that it used to be and it seems as if they have gotten away from it lately.

Dr. Rubbo asked if that was a Planning Board issue. Is it a matter of getting the information from the Planning Board or applicant?

The Chair responded yes, the applicant via the Planning Board.

Mr. Barnhart commented that the Open Space Committee has embarked upon a project to do a habitat map of the entire town. This would expand on the training project that we have, which is not digitized and would let them know where the habitat of any particular species was throughout town.

Chairman Meixner asked about an index?

Once it is digitized you would be able to know if you were in a sensitive area said Mr. Barnhart. He went on to say that it would not be broken out into section, block and lot but it would provide some information that would be valuable for use.

**Conservation Board
Minutes of Meeting
September 14, 2010
Page 20**

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Board member Hantman inquired as to whom was making this map?

Michael Barnhart responded the Open Space Committee of Somers. He noted that he was their Chairperson.

Ms. Hantman asked when the map would be ready and said that she would like to see it.

Mr. Barnhart responded that it would probably take one year to finish, as it is a large project. He said that he'd be happy to share what has been done so far noting that they have accumulated a fair amount of information and have infrared aerial photos of the entire town. There is a treasure trove of information. He went on to say that if there is a particular property that they thought was sensitive he would be happy to site down and look at it and share thoughts about it even before it is finished.

Board member Moriarty said that some of the things that are ignored in land development over the years are vernal pools and hydric soils. Whoever takes the survey they usually do it during a drought or in the winter. It appears to be a desert, but if you go back to the parcel in April it could be a full wetland. He explained that developers are basically draining these areas when they are being developed. Mostly it appears to be ignored and not really addressed by anyone.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 21

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Mr. Barnhart responded that the time of year (such as winter) is critical to developers. The survey is taking lists out of the information.

Board member Hantman asked if there is a protocol for mapping or could there be one so that the developer has to take these issues into consideration.

Mr. Rubbo responded that there are guidelines that could be adopted. They are not necessarily a legal requirement, but the Planning Board would know that it needs to be done.

Ms. Hantman said that the Board was looking for guidelines as these sound like suggestions.

Mr. Barnhart said that some towns have adopted them officially, but they are requirements that the developer needs to meet in regards to the Biodiversity survey. If the town adopts it then they have every incentive to do it.

Dr. Rubbo mentioned that there are some legal issue involving the guidelines. He said that he would like to pass out ELLA membership registration forms. He noted that it helps obtain grants for training.

**Conservation Board
Minutes of Meeting
September 14, 2010
Page 22**

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Dr. Rubbo advised that there is a conference on September 25 in Garrison and they will be unveiling a new project this year called the stream conservation and restoration project. He explained that they are trying to get every town to work on the stream conservation project over the course of the next year. It could be as simple as replanting a buffer, cleanup, and stream bank stabilization or erosion control. We are going to provide the funding for this project he said; we just need the towns to work with us to be the manpower. We have had good luck in the past with the boy scouts, who have been very good about helping with this type of endeavor.

We would like to branch out and focus on developing a region wide initiative said Dr. Rubbo. We will be discussing this at the workshop. John Cronin, Director of the Beacon Institute for Rivers and Estuaries will be there and give the keynote address. There will be a representative from the Watershed Agricultural Council (WAC) they are non profit and sponsored by the DEP and do a lot of forestry work in watersheds in particular the Croton Watershed (which we are a part). They will be discussing how they can best support communities.

Chairman Meixner asked who is involved in the DEP.

Dr. Rubbo said that it is not directly with the DEP. It is a not for profit organization. He asked that the Conservation Board members consider filling out the membership form and returning it to him.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 23

New Business:

A) Presentation/Dr. Rubbo/ELLA:

Dr. Rubbo asked to establish a point of contact with the Conservation Board and he asked who would be the contact person, Ms. Davis?

Chairman Meixner said yes, the C.B. Secretary sends out the information to the Board.

Dr. Rubbo noted that they are having a large conference from November 19 to 23 at the Thayer Hotel at West Point. ELLA is hosting the New York State Association for CAC's, CB's and EMC's. This would have to do with regional planning and it is not cheap, but sometimes the town's have a budget for this type of training. He went on to say that it could be checked out on the ELLA website at www.ellahhh.net. We are retooling it with a resource library with links to hydric soils, wetland maps and things of that nature. We are here to support you in the things that you do. Please feel free to contact me he said, as we know how difficult things can be sometimes.

Ms. Hantman inquired about BOCES programs.

Dr. Rubbo responded that they have projects for students and he speaks to Debbie Ashley who runs the program. We are always working with them to develop a unique education for students.

Chairman Meixner and the Board members thanked Dr. Michael Rubbo and Michael Barnhart for their presentation.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 24

New Business:

- B)** Postcard/Cornell University/re: Survey *Climate Change in New York State*, telephone numbers 607-255-3786/need copy of survey:
C.B. Secretary Ms. Davis informed the Board members that the survey on climate change had not arrived to date. She advised that unless it appears shortly she would take the item off the agenda.

Board member Dr. Merker agreed.

Chairman Meixner said that he thinks it may just be some questions that the Board has to answer.

Ms. Davis said that if it arrives she would place it back on the agenda.

The Board members took no further action at this time.

- C)** Fischer/Wetland Activity Permit/Administrative/Survey of Property dated August 28, 2006, Section 48.13-1-11, Maintenance of existing pond, Short EAF, Prepared by John Marano, Land Surveyor, (#3 North Lane): (SH)
The Conservation Board reviewed the above administrative application for Fischer wetland activity permit, short EAF, survey and maintenance of existing pond at their meeting tonight.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 25

New Business:

C) Fischer/WAP:

Board member Shoshana Hantman reviewed the materials submitted, attended the administrative review team meeting and gave a report to the Board.

*

Report:

- Ms. Hantman informed the Board that the applicant would like to dredge the pond on his property, removing the silt deposits.
- She mentioned that the proposed activity as presented by the applicant seemed very straightforward and did not cause her to have any environmental concerns.
- The applicant would be letting the water level go down she said removing the silt from the pond and spreading it around to dry out and then letting the water level go back to its original height.
- Board member Hantman informed the Board that the applicant would not be using any heavy equipment on the site.

**Conservation Board
Minutes of Meeting
September 14, 2010
Page 26**

New Business:

C) Fischer/WAP:

- Ms. Hantman said that she had no objections to signing the report (at the administrative review team meeting) in order to allow the applicant to have an administrative wetland permit.

**

The Board members took no further action at this time.

D) Imperial Wok/Wetland Activity Permit/Administrative/Plan dated April 30, 2010, Section 17.11-10-20, Install waste-lines and clean-out for drain going to sewer line, Prepared by Bibbo Associates, LLP, (#13 Heritage 202 Center): (SH)

The Conservation Board reviewed the above administrative application for Imperial Wok wetland activity permit, and installation of waste-lines and clean out drain at their meeting tonight.

Board member Shoshana Hantman reviewed the materials submitted attended the administrative review team meeting and gave a report to the Board.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 27

New Business:

D) Imperial Wok/WAP:

*

Report:

- Ms. Hantman informed the Board that this application has to do with the installation of a 2500-gallon tank to hold cooking grease.
- She explained to the Board that she was not familiar with this type of construction and therefore would like the Board's opinion on the matter.
- The applicant is replacing the former tank, which was 1200 gallons, and they are doubling the size (2500 gallons).

Chairman Meixner interjected that the material in the tank would be going into the sewer afterwards. He said that the grease is probably flowing into the lines and needs more room to be processed.

- Ms. Hantman advised that there would be 10 yards of dirt excavated for the tank installation.

**

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 28

New Business:

D) Imperial Wok/WAP:

Chairman Meixner said that the original application was 30 years ago and they do not last forever. He mentioned that sometimes they are made out of cement block. He noted that the activity is taking place approximately 10-ft. (minimum) from the building.

The Board members reviewed the plans submitted and discussed the application among them. The pond was hardly visible from the applicant's plans.

Dr. Merker said that the proposed activity appears to be a maintenance procedure. He noted that the proposed work should be done with good construction practices.

Chairman Meixner said that it is an improvement if it is done correctly. He specified that the proposed completion date is September 15, which is tomorrow. He mentioned that there would be approximately 200-sq. ft. of disturbance.

The Chair noted that it is difficult to read what the applicant wrote on the EAF.

Dr. Merker mentioned that a basic question for the ELLA guests could be when is impingement on the wetland buffer area significant (grease trap in wetland buffer).

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 29

New Business:

D) Imperial Wok/WAP:

For example he said, at the Mobil station the entire property is located in the wetland buffer, but it is already developed. On the other hand he noted that sometimes the planting of grass has already disturbed the wetland buffer. Also, he mentioned the Kauffman installation of a pool in a disturbed wetland buffer (grassy area) with an artificial structure.

How do we determine when is something significant and when is it not significant said Dr. Merker? When something does impinge, what is an adequate remediation, how many trees do they plant, etc. Basically, the architects tell us what they are planning to do for remediation. Are there formulas we could use to determine the significance.

Dr. Merker said that, as this happens to be a site that has already been disturbed technically, it could only improve the water quality of what is leaving the site. As long as good construction practices are implemented with regards to runoff, etc. then it is difficult to foresee any potential problems he said.

Board member Merker deferred to Mr. Moriarty who is involved in various kinds of construction activity on a daily basis.

Board member Moriarty commented that the application seems like it should have more involvement than just an administrative review as it could get out of control quickly. For example 10 cubic yards is a large pile and if there is a flash storm and the pile was not prepped right or inspected then suddenly it could be a problem.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 30

New Business:

D) Imperial Wok/WAP:

Dr. Merker reiterated that he noted the application should have proper construction techniques and the job should be done correctly.

Chairman Meixner said that if the inspectors are doing their job correctly then it should be all right, as long as they stay on top of the situation. Everyone should do their job and be vigilant to ensure code enforcement and proper erosion control.

The Board members took no further action at this time.

E) Homeland Towers/Cingular Wireless PCS LLC (AT&T), #121 Rte. 100/Amato/Site Plan/Planning Board, Plans-Title Sheet/T1; Site Detail Plan/Z3; Erosion Control-Stormwater Management Plan/Z8; Regulated Buffer Disturbance Area/C2; revised August 23, 2010, Prepared by Tectonic Engineering & Surveying Consultants, (#121 Rte. 100/Amato/Somers-Woods Bridge): (JM)

The Conservation Board will review the above Planning Board application for Homeland Towers/Cingular Wireless (AT&T) site detail, erosion control-stormwater management, and regulated buffer disturbance area revised at their next meeting.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 31

New Business:

E) Homeland Tower/Cingular Wireless:

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

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

F) BVS Acquisitions Company, LLC/Site Plan/Planning Board aka Chase Bank – fka Bank of America, August 23, 2010; Full EAF; Chase New Build Program PID #13741; Boundary-Topographic Survey/1, Portion of Lot 11, Block 1, Section 4.20; Floor Plan/A1.1; Exterior Elevations/Z4.1, A4.2; Cover Sheet/C1; General Notes/C2; Removals Plan/C3; Site Plan/C4; Overall Shopping Center Plan/C4a; Grading & Drainage Plan/C5; Soil Erosion & Sediment Control Plan/C6; Utility & Sanitary Plan/C7; Landscape Plan/C8; Landscape Notes/C9; Lighting Plan/C10; Site Details/C11; Site Drainage & Utility Drainage/C12, 13; Prepared by Hoeherman Tortorella & Wekstein, LLP, (#95 Rte. 6/Baldwin Place):
(GM)

The Conservation Board will review the above Planning Board application for BVS Acquisition Company site plan, grading and drainage plan, soil erosion-sediment control, landscape plan, site details and site drainage, utility drainage at their next meeting.

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

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 32

New Business:

F) BVS Acquisition/Chase:

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 9:40 PM by Board member Dr. Edward Merker and seconded by Board member Shoshana Hantman. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on September 28, 2010 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on October 12, 2010 and October 26, 2010 respectively.

**Conservation Board
Minutes of Meeting
September 14, 2010**

Page 33

Respectfully submitted,

Rosetta Davis
Secretary
Conservation Board

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