

**CONSERVATION BOARD  
MINUTES OF MEETING  
JUNE 10, 2008**

The June 10, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Dr. Frank Lapetina, Dr. Edward Merker,  
James Moriarty, Gary Meixner

Absent: Charles Friedberg, Gloria Rosenzweig

**Guests:** None

**Announcements:**

Dr. Edward Merker sent an email stating that he would be late to the meeting tonight.

Board member Gloria Rosenzweig sent an email stating that she would not be able to attend the meeting tonight.

Board member Charles Friedberg announced at the last meeting that he would not be able to attend the meeting tonight.

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**Approval of Minutes:**

A motion was made by Dr. Frank Lapetina and seconded by Chairman Gary Meixner to approve the Minutes of the May 27, 2008 regular meeting of the Conservation Board. All members present approved.

**Old Business:**

- A)** Gardella/Steep Slope Alteration Permit & Erosion and Sediment Control Permit Application/Administrative, 2-Story Addition to side of Single Family Residence, Site Plan and Details, Zoning Analysis dated May 11, 2008, Section 27.14, Block 1, Lot 1, Prepared by Spearman Architectural Design PC (West Side of Tomahawk Road/5000-ft. from intersection Granite Springs Road): (GM)

The Conservation Board reviewed the above administrative application for Gardella steep slope alteration permit, erosion-sediment control permit application and site plan at their meeting.

Chairman Gary Meixner reviewed the materials submitted and gave a verbal report to the Board.

Board member Dr. Frank Lapetina inquired as to why the Conservation Board is reviewing administrative applications for steep slopes.

Dr. Edward Merker responded to Dr. Lapetina's inquiry and the details are explained in item 'G', New Business, this document.

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**Old Business:**

**A) Gardella/SSAP/Admin.: (cont'd)**

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A memo (#08-32) will be sent to the Planning Board stating that the Conservation Board reviewed the above Administrative application for Gardella steep slope alteration permit, erosion-sediment control permit application and site plan at their meeting on June 10, 2008.

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) Proper erosion control measures should be constructed and maintained according to the recommendations of the Town Engineer.
- 2) The applicant should have the erosion control measures in place prior to commencing construction on the parcel.

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The Board took no further action at this time.

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**Old Business:**

- B)** Best Plumbing Supply/Site Plan/Planning Board, Relocate 8 parking spaces; Remove 4239sq.ft. Asphalt paving; Install 3844sq.ft. Asphalt paving; Remove 10,000 gal. underground fuel tank; Install concrete curbing in parking lot; Install landscape screening at generator and transformer area; Amended Site Improvement Plan dated February 1, 2008, revised April 1, 2008 Prepared by Kellard Sessions Consulting; Plan Survey of Property dated February 27, 2004, revised January 3, 2008 (#49 Rte. 138/Across from JFK H.S.): (GM/JM)

The Conservation Board reviewed the above Planning Board application for Best Plumbing Supply site plan at their meeting.

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

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Report:

- The property is located on Rte. 138 opposite the campus for John F. Kennedy High School, which is prior to the entrance of Rte. 684.
- Chairman Meixner advised the Board that the applicant opened the gate for them last week at 6PM (as that time was most convenient for them).
- Mr. Meixner noted that this took place after Best Plumbing Supply's normal business hours, allowed by the Town as per agreement. They are required to close the gates promptly at 4:30 PM.
- Chairman Meixner informed the Board that he visited the site during the day prior to their joint inspection and spoke to one of the owners.

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**Old Business:**

**B) Best Plumbing/SP: (cont'd)**

- Board member Jim Moriarty explained that everything the applicant proposed was straightforward.
- Mr. Moriarty went on to say that where the applicant is proposing to place the grid locks they had two full box trucks parked on the lawn.
- Board member Moriarty noted that the trucks each have 50-gal. of hydraulic fluid stored in them. He proposed that the applicant should only allow these trucks to be placed on asphalt paving in case of a possible leak.
- Mr. Moriarty specified that the applicant should consider paving the area where the grid lock's are located if they propose to continue to park the trucks in that location.
- Chairman Meixner said that on the proposed geo-block pavement area where the trucks are currently being parked by the applicant should be a paved area.
- Board member Moriarty referenced that the applicant had a 20-yd. Dumpster on the property and there was no curbing behind the structure and it was on a pitch.
- Chairman Meixner noted that the applicant has proposed an oil and grease separator and catch basin on the property.

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**Old Business:**

**B) Best Plumbing/SP: (cont'd)**

- The applicants are proposing to remove a 10,000-gallon underground fuel tank that was left on the property from the former owner.
- Mr. Moriarty informed the Board that the official opening for the new Showroom and Sales Office would be September 2008.
- Chairman Meixner advised that the applicant had installed Belgian Block curbing in the front of the building between the building and the parking area and noted that this was not reptile-friendly.

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The Board members discussed this application among them while reviewing the plans at the meeting and they decided to write a memo to the Planning Board stating their concerns and recommendations.

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A memo (#08-30) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Best Plumbing Supply site plan, amended site improvement plan at their meeting on June 10, 2008.

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:**

**B) Best Plumbing/SP: (cont'd)**

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

- 1) The site contains a 20-yard Dumpster and the C.B. site inspection showed that there was no curbing located behind the Dumpster and it was sitting on a pitched area.
  - The applicant should correct these features.
  
- 2) At the proposed site for the geo-block pavement there were two 50-gallon trucks parked there upon site inspection.
  - If trucks are to be parked in this location in the future then the C.B. recommends that the applicant should consider paving the area.
  - There is always the possibility that these trucks could leak hydraulic fuel and this property is adjacent to the reservoir.
  
- 3) All areas on the site that will be used for trucks to turn around should be paved to prevent leakage to underground water supply and the reservoir.
  
- 4) The applicant should use extreme caution while removing the 10,000-gallon underground fuel tank located on the property.

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**Old Business:**

**B) Best Plumbing/SP: (cont'd)**

The Conservation Board will continue to review the Best Plumbing Supply site plan as revisions are submitted.

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The Board members took no further action at this time.

**C) Summer Trails Day Camp/Site Plan/Planning Board, Topographical Map dated December 20, 2005, revised December 5, 2007 Prepared by Donnelly Land Surveying, PC, Section 25, Block 40, Lot 4, (Mahopac Avenue): (FL)**

The Conservation Board reviewed the above Planning Board application for Summer Trails Day Camp site plan at their meeting.

Board member Frank Lapetina reviewed the materials submitted, performed a site inspection of the property and gave a verbal report to the Board.

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Report:

- The site is located on Mahopac Avenue just down from the Boniello Farm and on the same side of the street.

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**Old Business:**

**C) Summer Trails Day Camp/SP: (cont'd)**

- Dr. Lapetina informed the Board that the site originally had a violation on the property.
- Board member Lapetina explained that there is a shed, trailer and climbing wall that were not part of the original application and plan as presented to the town years ago, which is considered a building code violation.
- He advised that the shed should have been built behind the main house (as per Town Code).
- Board member Lapetina specified that the trailer is located behind the main building, but does not impact the wetlands.
- He noted that the climbing wall is located in front on the left side of the property.
- Dr. Lapetina explained that there is a pond (wetland) on the property and there are playing fields for games located on the parcel.
- He went on to say that the site has been used as a Day Camp since 1940. He advised that the applicants do not want to build or change anything.
- The applicants merely want to legitimize the trailer, shed and climbing wall. They said that the shed could be moved behind the main house if necessary.

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**Old Business:**

**C) Summer Trails Day Camp/SP: (cont'd)**

- The applicants are seeking a SEUP (Special Exception Use Permit) in order to maintain the parcel as a day camp.
- Board member Lapetina referenced the fact that an attorney named Susan Travis who lived in Somers from 1988 to 1994 and served on the ZBA went on record regarding this application. In an Affirmation dated December 10, 2007 she states that the property was always used as a day camp and there had been no changes to the property since that time.

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The Board members discussed this matter among them and decided after much conversation that they had no comment on this application.

The Board members took no further action at this time.

**C) Tamarack & Vine Subdivision/Final Subdivision Plat/Planning Board, dated September 1, 1998, revised March 31, 2005; Current Subdivision Plans dated February 11, 2003, revised December 11, 2007 Prepared by Zarecki & Associates, LLC, Encompasses 19.859 acres, Section 16.07, Block 1, Lot 1; Also – Draft Common Driveway Access & Utility Easement & Maintenance Agreement; Declaration of Drainage & Maintenance Agreement, (Lake Lincolndale/off Lakeshore Drive South/left Orange/left onto Tamarack & Vine): (GR/CF)**

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**Old Business:**

**D) Tamarack and Vine/SP: (cont'd)**

The Conservation Board will review the above Planning Board application for Tamarack & Vine Subdivision, final subdivision plat at their meeting.

Board members Gloria Rosenzweig and Charles Friedberg will review the materials submitted, perform a site inspection of the property and give a report to the Board.

Chairman Meixner noted that this matter would be tabled until the next Conservation Board meeting (as Charles and Gloria were not present at the meeting). He requested C.B. Secretary Ms. Davis to email Charles and Gloria regarding the Planning Board site walk on June 21<sup>st</sup> at 9:00 AM.

Board member Merker noted that the application called for the parcel to have a Conservation Subdivision of 7 lots.

Discussion ensued among the Board members during which time Chairman Meixner mentioned that the property in question had quarter acre zoning requirements.

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

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**New Business:**

- A)** Granite Springs Realty, LLC/Site Plan/Planning Board, Project Plan (5 Sheets) dated November 14, 2007, revised May 29, 2008, Revised Drainage Calculations, Prepared by Bibbo Associates, LLP (Tomahawk Street near Granite Grill): (GR)

The Conservation Board will review the above Planning Board application for Granite Springs Realty, LLC site plan, project plan at their next meeting.

Board member Gloria Rosenzweig will review the materials submitted and give a report to the Board.

Chairman Gary Meixner asked C.B. Secretary Ms. Davis to deliver the plans to Board member Rosenzweig for her review.

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

- B)** Meichner Subdivision/Construction Plan/Planning Board, Integrated Plot Plan, Profiles & Details, Tree Plan and 30 Scale Construction Plan, Smith Road Improvement Plan dated August 23, 2007, revised April 24, 2008, Stormwater Pollution Prevention Plan Prepared by Bibbo Associates, LLP, Also – Declaration of Restrictive Covenant Smith Lane Maintenance Agreement, (Warren Street to Smith Lane): (GM)

The Conservation Board briefly reviewed the above Planning Board application for Meichner Subdivision, construction plan, integrated plot plan at their meeting.

Chairman Gary Meixner reviewed the materials submitted and gave a report to the Board.

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**New Business:**

**B) Meichner Subdivision: (cont'd)**

Report:

- The site is located on Smith Lane right off Warren Street. Smith Lane is a private road and the Town is allowing access for the development.
- Chairman Meixner discussed the maintenance agreement and noted that the entire block has to sign the document, and apparently there are some problems associated with the paperwork and not all neighbors are going to sign.
- Mr. Meixner noted that there are numerous trees being removed from the property.
- Chairman Meixner also mentioned that there use to be two wells located on the property and the map submitted only had one well noted on the plan.

The Board members discussed the proposed agreement for the roadway that should be signed by all of the people who live on the block. They went into the fact that there are many signatures missing and several people that live on the street are not happy with the proposed agreement as written.

Board member Dr. Lapetina informed the C.B. that he looked at the site approximately two times in the past.

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**New Business:**

**B) Meichner Subdivision: (cont'd)**

The Conservation Board members discussed this application among them, reviewed the plans submitted and decided that there was no further comment at this time.

Chairman Meixner asked Board member James Moriarty to review the plans and report back to the Board at the next meeting.

The Board members took no further action at this time.

**C) Saint Luke's Church/Site Plan/Planning Board, Application for Site Plan Approval dated May 27, 2008, Architectural (A-1) thru (A-5) Electrical (E-1) dated April 20, 2008, Prepared by Sammel Architecture, PLLC, Renovate classrooms- three to five – landing and steps, request waiver of deed restrictions requirement due to limitations of site work, (Rte. 100/near the Elephant Hotel): (JM/GM/EM)**

The Conservation Board will review the above Planning Board application for Saint Luke's Church, site plan and renovations at their meeting.

Board members James Moriarty and Edward Merker along with Chairman Meixner will review the materials submitted, perform a site inspection of the property and give a report to the Board.

The Board member reviewed the plans briefly at the meeting.

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**New Business:**

**C) St. Luke's Church/SP: (cont'd)**

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

**D) BVS Acquisition Co., LLC/aka Bank of America: fka Commerce Bank),  
Preliminary Drawings Sheets C1-C13 dated March 12, 2008 revised May  
19, 2008, Prepared by Bohler Engineering; Plan Boundary & Topography  
Survey dated April 6, 2007, revised May 1, 2008 Prepared by Control  
Point Associates, Inc.(#80 Rte. 6/Baldwin Place Mall): (FL)**

The Conservation Board reviewed the above Planning Board application for BVS Acquisition Co., LLC preliminary drawings and topography at their meeting.

Board member Dr. Frank Lapetina reviewed the application briefly at the meeting and gave a report to the Board.

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Report:

- The property is located at #80, Rte. 6, Baldwin Place Mall.
- Board member Lapetina advised the Board that the applicant had added an oil and grease separator. It is located in the northwest corner of the parking area right after the catch basin.

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**New Business:**

**D) BVS Acquisition/SP: (cont'd)**

- He went on to say that there is a catch basin on the northeast and northwest corner of the property (for water retention).
- Dr. Lapetina also mentioned that the applicant would be constructing a raingarden on the property to collect water runoff.

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Dr. Lapetina noted that there were no additional comments on this application.

Dr. Edward Merker asked Mr. Moriarty how the oil separator works.

Board member Moriarty explained that the oil and grease separator collected toxins from car and truck leaks of oil, etc. and then they needed to be cleaned on a regular basis with a maintenance schedule. He said that it could be looked up on line as a “Baysaver” oil and grease separator.

The Board members took no further action at this time.

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**New Business:**

- E)** Memo from PB Secretary/Marilyn Murphy dated June 2, 2008 to the Conservation Board/re: Site Walk for June 21, 2008, weather permitting. Walkers to leave Somers Town House at 9:00 AM: (CF/GR)

9:10 AM      *Tamarack & Vine*                      *Final Conservation Subdivision and Wetland Permit (TM-16.07-1-1) Application of Michael Gyory for Property located on the westerly side Of Lovell Street for a 7-lot Conservation Subdivision.*

The Planning Board is conducting a site inspection of the property on Tamarack and Vine and they invited members of the Conservation Board to attend.

Board members Charles Friedberg and Gloria Rosenzweig are reviewing this application.

Chairman Meixner requested C.B. Secretary Ms. Davis to email them and let them know about the Planning Board site walk. He also suggested that she phone them.

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

- F)** ELLA/Teatown Vernal Pool Project/Report/Discussion/Mapping and Identification Project/Participation – Town of Somers: (EM)  
The Conservation Board members reviewed the above Educational Program proposed for the Town of Somers at their meeting.

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**New Business:**

**F) ELLA/Teatown/Mapping: (cont'd)**

Board member Dr. Edward Merker lead the discussion on the vernal pool project and produced an email from Michael J. Rubbo, Ph.D. and the Daniel Kempel Director of Environmental Stewardship sponsored by the Teatown Lake Reservation.

Dr. Merker explained that there is a grant available to teach Conservation Board members about environmental issues; on such issue is the Vernal Pool Project.

Board member Merker informed the Board that vernal pools are not mapped and they are very difficult to map as they usually dry up by August if not before. However, he noted that they are very important in terms of biodiversity.

Dr. Merker specified that ELLA is trying to get a grant to map these vernal pools in areas of upper Westchester and Putnam County, New York. They tentatively chose the following: Carmel, Cortlandt, Kent, Phillipstown, Putnam Valley, Somers and Yorktown.

A discussion ensued among the Board members with reference to this endeavor and they decided to write a memo to the Town Board stating their desire to participate in this project.

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**New Business:**

**F) ELLA/Teatown/Mapping: (cont'd)**

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A memo (#08-33) will be sent to the Town Board stating that the Conservation Board reviewed the above educational program taking place at the Teatown Lake Reservation under the tutelage of Michael J. Rubbo, Ph.D. and the Daniel Kampel Director of Environmental Stewardship at their meeting on June 10, 2008.

Several Board members have been attending class at the Teatown Lake Reservation and they are recommending that the Town of Somers support this program.

The C.B. has the following recommendations:

- 1) The Conservation Board members would like to have Somers participate in this survey and by copy of this memo we are requesting feedback from the Town Board.
- 2) Attached for your convenience is an email sent to Board member Edward Merker requesting the C.B.'s participation in this project along with a brief description of what that would entail.

The Conservation Board members await your response as to the participation of the Town in this project. We believe that it would be most advantageous.

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The Board members took no further action at this time.

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**New Business:**

- G)** Town Engineer Gagne's memo to the Town Board/re: changing Town Code to include the Conservation Board in the review of Administrative steep slopes (15% to 25%): (EM)

The Conservation Board discussed the above subject memo from Town Engineer Gagne dated June 3, 2008 which addressed changing the Town Code to include administrative steep slope review by the C.B. at their meeting tonight.

Dr. Lapetina had questioned the C.B. receipt of an administrative steep slope application from the Engineering Department for review under item 'A' Old Business, this document.

Board member Dr. Edward Merker responded that Town Engineer Gagne sent a memo dated June 3, 2008 to the Town Board regarding a change in the Town Code with respect to the Conservation Board participation in the administrative review of steep slope alteration permits. He explained that the memo was included in the C.B. packet for the meeting and read the information in the memo to the Board members.

Dr. Merker specified that the Town Engineer recommended that the language be changed in bold lettering at the end of 148-6.C of the Steep Slope Ordinance as follows:

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Code 148-6.C Policies for evaluating applications.

In order to implement the intent of this chapter, the approval authority shall be guided by the following policies in evaluating an application for a permit to disturb specific types of steep slopes:

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**New Business:**

**G) TE/Memo/Code Change/Admin.: (cont'd)**

- C. *The Town Engineer is the approval authority for application to disturb other moderately steep slopes (15% to less than 25%).*
- (1) *Definition: steep slopes not included in Subsections A and B above and general improvements to single-family residential parcels.*
  - (2) *Review objective. Every effort shall be made to permit only those disturbances, which maintain the beauty of the landscape, avoid degradation of the environment and are found to be the minimum necessary to allow reasonable and practicable use of a property.*
  - (3) *Approval standards. Where a proposed disturbance is consistent with Town planning policy or where a disturbance cannot be avoided so that reasonable use of a property may occur, such disturbance shall be minimized and shall be in accordance with the standards set forth in Code 148-7.*
  - (4) ***Before issuing any administrative permit, the Town Engineer shall review the administrative permit application with the administrative permit review team, which shall include the Town Planner, a Conservation Board member selected by such Board, the Building Inspector and the Town's Environmental Inspector or Consultant.***

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**New Business:**

**G) TE/Memo/Code Change/Admin.: (cont'd)**

Discussion ensued among the Board members with reference to Town Engineer Gagne's memo and the administrative review team meetings.

Board member Merker inquired about the process and asked about the procedure for setting up an administrative review team meeting. He wanted to know if it was done formally or not and who is representing the Conservation Board at these meetings.

Chairman Meixner said that at present Dr. Frank Lapetina has been kind enough to volunteer to represent the Conservation Board. In the past Arnold Guyot (former Board member) was the C.B. representative. He explained that the ideal candidate would have time during the workday to be available on occasion to attend the Administrative Review Team Meetings.

Dr. Lapetina said that sometimes the Engineering Department calls C.B. Secretary Ms. Davis and then she will call me and sometimes they can call me directly, it all usually depends on the urgency. Usually there is some notice involved and several days lead-time before the meeting will take place.

Dr. Merker specified that Dr. Lapetina would be the C.B. point man. He went on to say that he is not available during the day for meetings at the Town House.

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**New Business:**

**G) TE/Memo/Code Change/Admin.: (cont'd)**

Chairman Meixner confirmed that he appreciates Dr. Lapetina's support and help, as sometimes it can be difficult to get anyone to attend these meetings (as everyone works).

Chairman Meixner advised the Board that everyone on the Board is welcome to participate in these meetings and if they can be available they should contact C.B. Secretary Ms. Davis and let her know. He referenced the fact that once the new Board members feel comfortable with their responses then they can all participate if they would like.

Mr. Meixner advised the Board that the staff members in the planning and engineering office are happy to assist us with any endeavors that we may undertake just give them a call. Especially if you need guidance or information for a project that is being reviewed or if you need to better understand what we are reviewing, feel free to give them a call.

Board member Merker asked the new Board member James Moriarty if he would be interested in attending the Administrative Review Team's meetings.

Chairman Meixner explained the procedure and discussed the information provided and then asked Dr. Frank Lapetina to go into further details regarding these administrative meetings.

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**New Business:**

**G) TE/Memo/Code Change/Admin.: (cont'd)**

Dr. Lapetina advised the Board members that Town Engineer Gagne has a GPS system on his computer and he can pull up any parcel of property in Town to see what it looks like without going out to the site. He noted that this gadget comes in very handy with these administrative reviews and helps to save time while it can answer questions that arise and show the surrounding area near the proposed application.

Board member Lapetina went on to say that most of the time he reviews the application with Town Engineer Gagne and the Town Planner has already seen the application and has made her comments on the comment sheet that they created for this review process and she signs off.

Also, Dr. Lapetina explained that the Building Inspector sometimes reviews the application beforehand and writes his suggestions on the form as needed and then again sometimes he is not involved.

Dr. Merker commented that if it ends up being just Dr. Lapetina and Town Engineer Gagne then the timing can be very flexible.

Dr. Lapetina agreed that the timing was indeed flexible at present, noting that sometimes the Town Engineer calls him directly and asks him to make some time available. Other times he noted that the Engineer's Secretary Wendy Getting calls him and arranges a convenient time for everyone, it just depends on the week and everyone's availability.

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**New Business:**

**G) TE/Memo/Code Change/Admin.: (cont'd)**

Chairman Meixner asked the new Board member Mr. Moriarty if he would be able to attend the administrative meetings and participate.

Mr. Moriarty responded that at present he does not have the time and is not located in Somers during his daytime work hours.

After much discussion by the Board members it was decided that a memo should be sent to the Town Board with a copy to the Town Engineer, noting the C.B.'s appreciation of being included in the review process for administrative steep slopes.

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A memo (#08-31) will be sent to the Town Board stating that the Conservation Board reviewed the above memo to the Town Board from Town Engineer Gagne regarding Conservation Board participation in the administrative steep slope review process as well as a change to the Town Code reflecting that procedure. The Board discussed this item at their meeting on June 10, 2008.

The Board members would like to take this opportunity to state their appreciation of the consideration shown with reference to the above subject matter.

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**New Business:**

**G) TE/Memo/Code Change/Admin.: (cont'd)**

The C.B. would like to participate in the administrative steep slope review process at the administrative review team meetings.

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The Board members took no further action at this time.

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There being no further business to discuss, a motion to adjourn was made at 9:45 PM by Board member Dr. Edward Merker and seconded by Chairman Gary Meixner. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on June 24, 2008 at 7:30 PM.

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Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on July 8, 2008 and July 22, 2008 respectively.

Respectfully submitted,

Rosetta Davis  
Secretary  
Conservation Board

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