

**CONSERVATION BOARD
MINUTES OF MEETING
JULY 8, 2008**

The July 8, 2008 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: Dr. Frank Lapetina, James Moriarty, Gloria Rosenzweig,
Gary Meixner

Absent: Charles Friedberg, Dr. Edward Merker

Guests: None

Announcements:

Board member Charles Friedberg informed the Conservation Board that he would not be able to make the meeting tonight.

Board member Dr. Edward Merker informed the Conservation Board that he would not be able to make the C.B. meeting tonight and July 22.

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Approval of Minutes:

A motion was made by Board member James Moriarty and seconded by Chairman Gary Meixner to approve the minutes of the June 24, 2008 regular meeting of the Conservation Board. All members present approved.

Old Business:

- A) 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)

The Conservation Board reviewed the above Planning Board application for Tamarack and Vine Subdivision final subdivision plat at their meeting.

Board member Gloria Rosenzweig reviewed the materials submitted, performed a site inspection of the property and gave a report by phone.

Gloria Rosenzweig was present at the meeting and briefly went over her report that was dictated to the C.B. Secretary Ms. Davis.

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Report:

- Upon site inspection, it was noted that there are many old/large specimen trees located on the property.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

- Reviewing the plans submitted they do not depict these old specimen trees.
- Where the applicant proposes to build the homes on this site, there are numerous old and beautiful specimen trees. They should be made to save as many of those trees as possible.
- The property is being divided into two sections, a conservation easement where there are very steep slopes and a stream, and the area where the homes are being proposed.
- The proposed construction area does not contain steep slopes.
- I have concern over a septic system that is near the steep slopes and stream. Where would the runoff from this feature go? Is it too close to the steep slopes and stream?
- There appears to be enough footage between the proposed house sites and the wetland. All building appears to be outside the 100-ft. buffer.
- The applicant is creating a wetland area on the property. What is the statistics on this feature functioning properly?
- They appear to be violating a wetland buffer area to create the wetland feature on the property on lot # 5. Proposed is a wet pool; micro pool and low marsh area. They proposed to change the grade in this area.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

- They should remain outside the wetland buffer area for all disturbances.
- On lot # 2, they propose an infiltration system.
- The applicant proposes individual septic and wells for this subdivision. I located these features on lots # 1 through # 4.
- On lot # 5 where is the septic depicted? I could not find it.
- The applicant revised the plans from a 7-lot subdivision to a 5-lot subdivision.

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While the C.B. was discussing the above application Board member Gloria Rosenzweig noted that she would like to make some revisions to the reports submitted at the last meeting. She went on to say that when she dictated the reports by phone there was a misunderstanding and the following changes should be made to the Conservation Board Minutes of June 24 and the two reports dictated by phone on Tamarack and Vine and Granite Springs Realty. Item #14 in the Tamarack & Vine report should be deleted and placed on the report for Granite Springs Realty as item #4. She noted that otherwise the reports seemed all right as submitted.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

The Board members reviewed the plan and finally located the septic on Lot #5. The difficulty arose from the fact that it was an odd shaped lot that has a right angle piece attached where the septic is located. They requested that C.B. Secretary Ms. Davis revise the existing memo #08-34 and change it to reflect the (septic) feature and then resubmit it to the Planning Board.

Board member Rosenzweig and Chairman Meixner discussed the future homeowner's limitations with regards to a shed, pool or outside structure.

The Board members discussed the Maintenance Agreement that was attached to the paperwork submitted.

Dr. Lapetina mentioned the declaration of drainage and maintenance agreement. He went on to say that this document must have something to do with that information.

Chairman Meixner asked Board member Lapetina about the catch basins in town (which he visited with the Town Engineer) and inquired about the Town's position on what to do with them.

Dr. Lapetina advised that the Town Engineer's office would like all of the catch basins in Town operational and functional. He referenced the fact that the Town Engineer, Town Planner and guests went through areas of Town about a month ago checking the catch basins (noting that he had been present for the site inspection).

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

Board member Lapetina commented that it is a great idea, but he did not know whether or not the Town would be able to accomplish their goals as it will cost a lot of money to fulfill especially since some of the basins are in really bad shape.

Dr. Lapetina went on to say that in the new areas of Town it would be easy to set it up, by simply making it a requirement.

Chairman Meixner asked if the Town would do the maintenance.

Board member Lapetina said no, the homeowner should do the maintenance, however the Town would have to check it and make sure that everything is functional and in good shape.

During the conversation Dr. Lapetina brought up the maintenance agreements for the Preserve (Rte. 118) and Round Top Farms (on Lovell Street) and noted that they were set up in such a fashion.

Ms. Rosenzweig asked if they have the responsibility for this activity?

Board member Lapetina responded that he did not know who has what responsibility with regards to these catch basins in Town. He went on to say that he knows that in Heritage Hills they have the responsibility for cleaning the catch basins.

Ms. Rosenzweig said that she is aware of Heritage's cleaning of the catch basins every few years.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

Dr. Lapetina agreed and said they have a large area on the top (near Condo 14) that they have a lot of problems with every time. He continued by saying that in this application they have an agreement for cleaning the catch basins. Don't they? It should say who is responsible.

Board member Rosenzweig responded by quoting the agreement as follows:

"This Declaration of Drainage and Maintenance Easement relating to lands owned by Tamarack & Vine Realty Corporation, a New York Corporation having offices at #401 Claremont Avenue, Thornwood, New York 10594, affecting lands situate in the Town of Somers, County of Westchester, State of New York, more particularly shown and described on a certain map (the "Plat") entitled "Final Subdivision Plat of Tamarack and Vine Subdivision" situate in the Town of Somers, County of Westchester, State of New York, prepared by Zarecki & Associates, LLC, dated September 1, 1998 and last revised April 20, 2004 and intended to be filed in the Westchester County Clerk's Office simultaneously with the recording of this Declaration.

WHEREAS, Tamarack & Vine Realty Corporation (the "Declarant") is the owner of real property known as the Tamarack and Vine Subdivision ("Subdivision"), as shown on the Tax Map for the Town of Somers, County of Westchester, State of New York as Section 16.07, Block 1, Lot 1 and

WHEREAS, the Subdivision will consist of Five lots; and

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

WHEREAS, Declarant is desirous of establishing a Drainage and Maintenance Easement for the benefit of the owners of Lots, 1, 2, 3, 4, and 5 of the Subdivision as shown on the Plat as well as for the benefit of the consumers of the NYC Drinking Water Supply and to allow for access to and maintenance of the drainage easement areas as shown and more particularly described on Schedule "A" which is annexed hereto (hereinafter referred to as the "Easement Area"). . ."

Board member Lapetina went on to say that there is an agreement for the draft common driveway, the utilities, and declaration of drainage and maintenance agreement. So all five lots are responsible.

Ms. Rosenzweig went on to say that,
". . . THEREFORE, the Declarant hereby declares and gives, grants, bargains, conveys and confirms onto the holder of the fee title to the right of way of Vine Road and Pine Court, further referred to as Highway Fee Holder, and his/her successors and assigns, a perpetual easement, for drainage purposes and maintenance, upon, over, under and across the Easement Area, or any portion thereof, together with the right to enter upon the Easement Area on the adjoining lands of the Declarant at all times and from time to time as necessary in order to install, erect, construct, maintain, rebuild, inspect, operate, repair, reconstruct, replace, remove, relocate and increase or decrease the size of drainage swales, infiltration basin and created wetland, and the structures, pipes and other equipment as may be necessary or useful to establish and maintain the proper flow of surface water drainage upon and over the Easement Area in accordance with the maintenance schedule included in the S.P.P.P. approved by the Department of Environmental Protection of the City of New York on all as shown on the Plat, together with the right to excavate, grade and/or fill any portion of the Easement Area to the extent required for the uses and purposes hereinabove set forth. . . ."

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

“The Highway Fee Holder shall be directly responsible for any and all such aforementioned work to install, erect, construct, maintain, rebuild, inspect, operate, service, repair, reconstruct, replace, remove, relocate and increase or decrease the size of drainage swales, infiltration basin and created wetland and the structures, pipes and other equipment, which shall be performed at the sole cost and expense of the Highway Fee Holder. . . .”

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Board member Rosenzweig inquired as to whom is the Declarant?

Dr. Lapetina responded that those are the landowners of Lots one through five.

Ms. Rosenzweig specified that the Declarant in this case is Tamarack and Vine Realty, the developer.

Board member Lapetina advised that the realtor would convey the responsibility to the future homeowners who will then be given the responsibility of taking care of this catch basin and the created wetland.

Ms. Rosenzweig inquired, would that include all five or only lot five?

Board member Lapetina responded that it would be the responsibility of all five lots.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

Chairman Meixner stressed the fact that all of the homes would be draining into this area.

Dr. Lapetina referenced that they would have a common access driveway that they also must maintain. The document says . . ."a common access driveway and utility easement."

Chairman Meixner referred to the plans and showed Gloria what he was talking about.

Chairman Meixner also mentioned that he was concerned about Lot #5 and the septic system that will be piped from a long distance away.

Board member Lapetina opined that if they did not have to put it that far away they would not have done it, I am sure, as it is quite expensive.

Ms. Rosenzweig inquired as to whether or not the homeowners would have a Homeowners Association to take care of the proposed Maintenance Agreement submitted.

Chairman Meixner and Dr. Lapetina said that they would probably have a homeowners association, but if not they have this agreement.

Board member Rosenzweig noted that she was concerned about the steep slopes on Lot #1 because they placed the septic system nearby.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

Dr. Lapetina explained that near the steep slopes does not matter and qualified his statement by saying that the slopes are not really that steep. He specified that the slopes are also not that close to the septic system if you figure out the distance.

Chairman Meixner noted that on the plan one inch equals 100-ft. He went on to say that it was 8-ft. and 100-ft.

Dr. Lapetina reiterated what he was talking about and showed the Board members on the plan.

Board member Moriarty advised that they have to allow for a replacement area of approximately 100%.

Chairman Meixner noted that they have two separate runoff areas from Lot #1.

Board member Lapetina mentioned that there is a steeper slope in the corner and they were probably trying to keep it all on one level. However, it ended up looking irregular on the plan.

Chairman Meixner reiterated that you need 200% altogether, because they need 100% for the septic and then the extra 100% for it the septic system fails. On any septic system half of it is going to be used by the homeowner.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

Dr. Lapetina qualified that the applicants do not need to develop the extra 100% expansion area, they just need to know that they could do it if necessary and they have to allow for the land use now during the planning stages.

Chairman Meixner said that there might be numerous trees in that area also. Were there any trees there he questioned?

Board member Lapetina noted that there was an access road for basin maintenance. How are they getting into this area, Tulip Road?

The common driveway is located off of Vine Road said Gloria. She mentioned that it was somewhat confusing for her to review.

Chairman Meixner said that there was about 50-ft. to use, but he did not think it would be enough road area for a Fire truck to turn around and in fact they might have to back up.

The Board members, while reviewing the plans noted that there were several different maps in the paperwork submitted.

Chairman Meixner advised that they appear to be previous submissions as they looked like completely different plans. He was wondering why they were attached and why the CB is reviewing them as it use to be a seven-lot subdivision and now it is five.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

Chairman Meixner stated that the Conservation Easement is part of lot #2, it is not a separate lot that is why it is called an easement.

Dr. Lapetina discussed the existing trees to be preserved within the right of way and said that,
“ . . . They will need to be provided to the Town Engineer’s satisfaction, trees shown adjacent to the Vine Road extension are to be preserved as per the recommended protection methods as outlined in a letter from Environmental Design Consultants dated May 24, 1999. Driveway access for Lots 1 and 4 shall not be derived from Vine Road and driveway access for Lot 5 shall not be derived from Hickory Road in accordance with 150-23 (F) of the Code of the Town. The existing stonewall to be removed to the greatest extent practical and stones removed during construction should be used to prepare and conclude other areas.”

There is a maintenance responsibility said Dr. Lapetina,
“ . . . Drainage easement, roof and footing drain, access to the infiltration basin for cleaning the responsible party is the owner of Lot 1. The drainage easement roof and footing drain, driveway, infiltration basin, drainage structure scheduled maintenance is the owner of Lot 2. The drainage structure (of pipes coming in from the Vine Road right of way titleholder), drainage easement roof and footing drains, driveway drains, access to drainage pipes clean owner of Lot 3. The roof drains and dry well cleaning owner of Lot 4. The drainage easement, roof and footing drains, access to created wetland and drainage pipe cleaning access is the owner of Lot 5”.

The Board discussed conservation easements and access and who would be able to go on the property as well as who would be responsible for what needs to be done.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

After much discussion the Board members decided to write a revised memo to the Planning Board stating their recommendations and concerns.

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A memo (#08-34a) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Tamarack and Vine Subdivision final subdivision plat at their meeting on June 24, 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) The applicant should prepare a tree survey for the property along with the topographic plan.
- 2) The Board requests identification on the proposed trees to be removed from the property.
- 3) The applicant should also identify which trees are proposed for preservation.
- 4) Clarification should be rendered for the proposed disturbance for the proposed wetland feature on the lots in question.

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Old Business:

A) Tamarack & Vine Subdivision: (cont'd)

- Is this feature located outside the wetland buffer, or inside?

The Conservation Board will be continuing their review of this application at their next meeting.

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The Board members took no further action at this time.

B) Granite Springs Realty, LLC/Site Plan/Planning Board, Project Plan (5-Sheets) dated November 14, 2007, revised June 18, 2008 Prepared by Bibbo Associates, LLP (Tomahawk Street/near Granite Grill Rte. 118): (GM)

C) Granite Springs Realty, LLC/Site Plan/Planning Board, Response to Comments from the June 11, 2008 Planning Board meeting; i.e. Board and Public, Town Engineer, Town Planner (Tomahawk Street/near Granite Grill Rte. 118): (GM)

The Conservation Board reviewed the above Planning Board application for Granite Springs Realty, LLC site plan at their meeting.

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

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Old Business:

- B)** Granite Springs Realty, LLC/SP: (cont'd)
C)

Chairman Meixner noted that he phoned the applicant to discuss the revisions on the application.

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Report:

- Chairman Meixner noted that the plans were revised and the applicant is putting in additional landscaping.
- The applicant is also adding a speed bump and bike rack.
- The DOT approved the entrances (and exits) to the property (off the main road). And there will be a bus stop located there.

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Chairman Meixner discussed the parking lot situation with Ms. Rosenzweig and explained that the Town in the past has put the parking area behind the buildings. However, there are older buildings in Town that still have parking in front of the building.

Ms. Rosenzweig noted that the proposed parking area continues to be located in between the building and the play area and that is unfortunate.

The Board members took no further action at this time.

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Old Business:

- D)** Papasidero/Steep Slope Alteration Permit Application/Planning Board, Site Plan for New Driveway S-1; Stormwater System Details & Retaining Wall Details S-2, dated March 11, 2008, Prepared by Marchetti Consulting Engineers; Section 17.13, Block 2, Lot 2 (#28 Wilner Road/North side of Wilner Road/220-ft. from intersection David Road):
(CF)

The Conservation Board reviewed the above Planning Board application for Papasidero steep slope alteration permit, site plan at their meeting.

Board member Charles Friedberg emailed his report to the C.B. Secretary and she forwarded it to the Conservation Board members for their review.

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Report:

- Board member Friedberg said that while he saw no real problem with the proposal, he really doesn't understand why the homeowner is adding onto the driveway as this in no way reduces the grade of the section of the driveway that actually goes up to the house.
- So long as the Town Engineer is okay with the engineering of the retaining wall and the water flow and disbursement he does not see a problem.
- The driveway is currently accessed from where it says "Filled and Crushed" just above the "R" in Wilner Road on the plan, and the arrow that says "Abandon Existing Driveway Remove Asphalt and Plant Grass", this section of the driveway will be unchanged, and is still very steep.

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Old Business:

D) Papasidero/SSAP: (cont'd)

- The shaded area to the left of the existing driveway today is a large hill with about 10 trees, all around 10-ft. or so in height, which are noted on the plan, so it is assumed that they are staying.
- Effectively the very base of the hill will be removed and a retaining wall put up – the only question here is septic, does removing this materials impact septic at all. The Town Engineer will be better able to answer this question.
- Therefore, the addition to the driveway is really just in effect creating a runway so to speak (that is below the drawn retaining wall noted by “impervious clay barrier” in the middle of the shaded area. This will lead into the existing driveway (going left to right on the plans), and that runs level to the road.
- It appears that the homeowner will get a parking spot at the base of the driveway. But all in all it doesn't smooth out the grade of the existing very steep driveway.
- The ‘proposed walkway’ and ‘parking space’ just off the bottom right corner of the house is currently just dirt, although upon site inspection the homeowner actually had a truck parked in the ‘parking space’. There seems to be no issues here accept for access to the septic tank, which you will notice, becomes half covered by the proposed walkway. I assume the homeowner will have to be cognizant of retaining access to the septic tank for cleaning.

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Old Business:

D) Papasidero/SSAP: (cont'd)

- In terms of existing wall and corner of the wall being removed and rebuilt (this is along the right side/upper right corner of the plan), there appears to be no issues here.

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The Board members reviewed the report submitted by Board member Friedberg, compared the information to the plans submitted and discussed the application among them.

Dr. Lapetina asked if there was a contour plan submitted?

Chairman Meixner said that the applicant is trying to get a better head start to go up the driveway.

Board member Lapetina advised that it also could give the applicant better access.

After much discussion and review the Board members decided to write a memo to the Planning Board stating their recommendations.

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A memo (#08-37) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Papasidero steep slope alteration permit application at their meeting on July 8, 2008.

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Old Business:

D) Papasidero/SSAP: (cont'd)

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) Erosion control measures should be constructed and maintained according to the recommendations of the Town Engineer and prior to construction activity.
- 2) The Conservation Board reviewed the application and found no environmental concerns with the plan as submitted.

The Board took no further action at this time.

New Business:

- A) Meadow Ridge Homes/Lot Line Change/Planning Board, Proposed Lot Line Change for Fernando & Tara Marques & Meadow Ridge Homes, Inc., not dated received June 24, 2008, Lot 25, Section 4.18, Block 1, Lot 15 & 16 (Lot 22) in Windsor Farms Subdivision, Prepared by Hudson Engineering, (off Rte. 6/ Windsor Farms Subdvsn): (GM)**
The Conservation Board will review the above Planning Board application for Meadow Ridge Homes lot line change at their next meeting.

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New Business:

A) Meadow Ridge Homes/Lot Line Change: (cont'd)

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

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

B) Meadow Ridge Homes & Fernando & Tara Marques/Lot Line Change, Final Subdivision Plat/Planning Board, dated January 25, 2008, Lot 25, Section 4.18, Block 1, Lot 15 & 16 (Lot 22), Windsor Farms Subdivision, Prepared by Donnelly Land Surveying, PC, (off Rte. 6/Windsor Farms Subdvsn): (GM)

The Conservation Board will review the above Planning Board application for Meadow Ridge Homes & Fernando and Tara Marques lot line change, final subdivision plat at their next meeting.

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

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

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New Business:

- C)** Omnipoint Communication @ Towne Centre/Site Plan/Planning Board, Radio Frequency Report; Alternative Locations; Viewshed Analysis; Radio Frequency Emissions; Equipment & Fencing; Construction Procedures; FAA; Co-location, (@ Town Centre/325 Rte. 100): (GR)
The Conservation Board will review the above Planning Board application for Omnipoint Communication @ Towne Centre site plan at their next meeting.

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

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

- D)** Omnipoint Communication @ Somers Commons/Site Plan/Planning Board, Radio Frequency Report; Alternative Locations; Viewshed Analysis; Radio Frequency Emissions; Equipment & Fencing; Construction Procedures; FAA; Co-location, T-1 Title Sheet; C-1 Plot Plan & Property Owners List C-2; C-3 Site Plan & Site Detail Plan; C-4 Elevations & Details; C-5 Equipment Plan & Details; (Baldwin Place/#80 Rte.6): (GR)
The Conservation Board will review the above Planning Board application for Omnipoint Communication at Somers Commons at their next meeting.

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

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New Business:

D) Omnipoint Communications/Somers Commons: (cont'd)

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

- E) Mitchell Subdivision/Preliminary Subdivision/Planning Board, As-Built Topographical Map & Survey of Property dated March 29, 2007; Section 16.09, Block 1, Lot 9, Steep Slope Area 9800sq.ft.; Parcel is 7.1 acres, Full EAF, Preliminary Plat Conventional Subdivision dated June 14, 2007, revised May 30, 2008 Prepared by Bibbo Associates, LLP(Rte. 118/Tomahawk Street/400-ft. from intersection Green Tree Road): (JM)**
The Conservation Board will review the above Planning Board application for Mitchell Subdivision preliminary subdivision at their next meeting.

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

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

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There being no further business to discuss, a motion to adjourn was made at 9:15 PM by Chairman Gary Meixner and seconded by Board member James Moriarty. All members present approved.

The next regular meeting of the Conservation Board will be held at the Town House on July 22, 2008 at 7:30 PM.

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on August 12, 2008 and August 26, 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