

**TOWN OF SOMERS
CONSERVATION BOARD
MINUTES OF MEETING
OCTOBER 13, 2009**

The October 13, 2009 regular meeting of the Conservation Board was called to order by Chairman Gary Meixner.

Attendance: James Moriarty, Gloria Rosenzweig, Gary Meixner

Absent: Charles Friedberg, Shoshana Hantman, Dr. Edward Merker,
Dr. Frank Lapetina

Guests: None

Announcements:

Board member Dr. Frank Lapetina informed the C.B. Secretary that he might not be able to attend the meeting tonight. He explained that he would email her to let her know.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 2

Announcements:

Board member Dr. Edward Merker emailed the C.B. Secretary to inform her that he would not be able to attend the meeting tonight.

Board member Charles Friedberg emailed the C.B. Secretary to inform her that he would not be able to attend the meeting tonight.

Approval of Minutes:

A motion was made by James Moriarty and seconded by Gloria Rosenzweig to approve the minutes of the September 22, 2009 regular meeting of the Conservation Board. All members present approved.

Action:

Board member James Moriarty asked the C.B. Secretary to email him the Conservation Board Agenda and any other documents that could be forwarded by email.

Old Business:

- A)** Dedication of Trailway or Area to JLB/Update/Email 10-1-09 from Dr. Merker (& M. Barnhart)/re: Dedication & C.B. Comment/Somers Land Trust & Open Space Committee: (EM)
The Conservation Board discussed the above email from Dr. Edward Merker dated October 1, 2009 regarding the dedication of a Trailway or area to former Board member John L. Behler.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 3

Old Business:

A) Dedication/Trailway:

The Board members also noted that Dr. Merker received an email from Michael Barnhart, Chairman of the Open Space Committee stating that the Somers Land Trust and the Open Space Committee recommend that the foot bridge across the Anglefly be named in honor of John Behler. The proposal to the Town Board also recommends a plaque with a picture and biography commemorating those who are so memorialized, which would be available for the site at a later date.

The email also mentioned that they are going to propose the yellow trail to be named in honor of Peter Burckmyer in the same petition that is being sent to the Town Board and the Open Space Committee asked for the Conservation Board members endorsement on this matter.

C.B. Secretary Ms. Davis informed the Board that Dr. Merker had sent her an email stating that the Conservation Board should acknowledge the proposed dedication.

However, as there were only three Board members present at the meeting Ms. Davis thought it appropriate that this item be tabled until the next regular meeting of the Conservation Board.

Ms. Davis also mentioned that she would prefer to hear some ideas on the possible wording of the document before it is sent to the Town Board, especially in light of the fact that the email mentioned a second party dedication at the same time (Peter Burckmyer).

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 4

Old Business:

A) Dedication/Trailway:

Board member Gloria Rosenzweig specified that there would be a picture provided along with the plaque to commemorate the various individuals that they are honoring.

Ms. Davis mentioned that the plaque would probably be incorporated sometime after the bridge to cross the Anglefly has been constructed.

Chairman Meixner mentioned that the Conservation Board would know when that would be happening, as they would be coming before the Board for a wetland permit.

Ms. Davis noted that according to the recent Town Board meeting the Trail and bridge builders would not have to come before the Conservation Board for a wetland permit. She explained that this item would be discussed under New Business this document, item 'B'.

Chairman Meixner and the Board members discussed the proposed dedication among them and decided that this item should be tabled until the next meeting at such time as there will be more input from the other members.

The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 5

Old Business:

- B)** Somers Realty Planned Hamlet/Site Plan/Planning Board, Preliminary Subdivision Application dated August 5, 2009 & August 27, 2009, Plans dated July 31, 2009, Sheet 4.20, Block 1, Lot 13, 14, 15 & p/o 12, Divide 79.38 acres into 3 lots; one 5-acre lot in NE corner which will be sold to Housing Action Council to develop 72 units of affordable senior housing; one 0.9128-acre parcel w/frontage on Mahopac Avenue-donated to the Somers Fire District; one 71-acre parcel that will be subdivided in the future, (Rte. 6 & Mahopac Avenue): (JM)

The Conservation Board reviewed the above Planning Board application for Somers Realty Planned Hamlet site plan, preliminary subdivision application at their meeting.

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

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Report:

- Mr. Moriarty noted that the application is located on Rte. 6 and Mahopac Avenue.
- He explained where the Stop and Shop building was located and showed the Town road that is the entranceway for this parcel, which is located on the other side of the proposed Bank of America parcel (the former gas station site) and opposite the Getty station.
- Board member Moriarty explained that the subdivision application is in the preliminary stages of their development. The applicant intends on installing 72 units as affordable housing. The site plan shows the breakdown of the plat plan according to acreage.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 6

Old Business:

B) Somers Realty Planned Hamlet/SP:

- Mr. Moriarty noted that there would be another roadway that would branch off the Town road for a separate subdivision that would be constructed at a later date.
- He went on to say that the parcel is situated on a lot that is approximately just under 5-acres in size. There is second growth forest, (that used to be farmland), but nothing significant as far as old growth trees.
- Board member Moriarty mentioned that there is no activity area designated yet, however, he said that he had some comments on the plan. The road construction plan and the plat plan both need to incorporate a key box describing which lines signify what i.e. utilities, site elevations, etc.
- Right now, he said that there are just all-different dotted lines all over the plans and it is difficult to say what they are describing. He advised that the sewer lines look just like the grade lines and the water lines and remarked that is very difficult to follow.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 7

Old Business:

B) Somers Realty Planned Hamlet/SP:

- Mr. Moriarty opened the plans to demonstrate to the Board what he was telling them in his report. He mentioned that the easement line looks like the water line looks like the drainage line, etc. it is all very confusing. He reiterated that it would be most helpful if there was a key.

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Chairman Meixner stressed that the Board needs to see what is going on all around the project not just in the one location. He specified that they need to know what is going on to the south and the west.

The Chair further commented that formerly the applicant was required to show the adjoining properties and any possible effect the construction of the parcel would have on those parcels.

Chairman Meixner inquired about a feature on the plan.

Mr. Moriarty responded that it is a sewer pump station.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 8

Old Business:

B) Somers Realty Planned Hamlet/SP:

Chairman Meixner asked if it was existing.

Mr. Moriarty answered no, that it was proposed.

Board member Rosenzweig noted the installation of a sewage pipeline along Rte. 6 from Peekskill. She asked if this application was going to need to hook into this sewer line.

Mr. Moriarty responded yes as the applicant is displaying a sewer easement.

A discussion took place among the Board members with reference to the Town road leading into this parcel.

Ms. Rosenzweig mentioned that she thought that it was part of the original application belonging to the shopping center.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 9

Old Business:

B) Somers Realty Planned Hamlet/SP:

Chairman Meixner commented that he did not understand why it was a Town road. He felt that it should be constructed by the applicant, who should also be the responsible party. He inquired about the remainder of the lots on the parcel.

Board member Moriarty advised that the proposed development on the other parcels of the property is on hold and noted that the timeline is not specific at present.

Chairman Meixner asked about development on the rest of the parcel as well as the height of the buildings (how many stories high).

Mr. Moriarty responded that the documentation reflects that the remaining 71-acres will be subdivided in the future.

Chairman Meixner inquired about approval on the housing for the 71-acres or anything else.

Mr. Moriarty said there is nothing about the remainder of the parcel save that it would be subdivided and developed sometime in the future.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 10

Old Business:

B) Somers Realty Planned Hamlet/SP:

Chairman Meixner noted that the parcel to be constructed does not border on Mahopac Avenue as the information suggests.

Board member Rosenzweig agreed and added that the entire parcel does border on Mahopac Avenue, but the developer is only proposing to work on 5-acres at this time.

Mr. Moriarty mentioned that he understands what Chairman Meixner said regarding the fact that the 5-acre parcel does not border on Mahopac Avenue. He noted that the document is not entirely accurate.

Ms. Rosenzweig advised that the applicant was not addressing the 5-acre parcel, they were explaining the small area (0.9128-acre) that will be donated to the Somers Fire Department (along Mahopac Avenue).

Chairman Meixner was wondering why that information was on the plans now.

Mr. Moriarty explained that the applicant probably incorporated that information so that we could see the breakdown of the acreage.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 11

Old Business:

B) Somers Realty Planned Hamlet/SP:

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

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A memo (#09-36) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for Somers Realty Planned Hamlet, preliminary subdivision application to divide 79.38 acres into 3 lots at their meeting on October 13, 2009.

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

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

- 1) The Board would like the applicant to create a *key box* to explain the details on the road construction plan and the plat plans submitted.
 - The road construction plan and plat plans should incorporate this *key box* to describe line designations with descriptions (which lines signify what i.e. utilities, site elevations, etc.).
- 2) The applicant should address on the plans submitted the neighboring property that is located on the south and west side of the parcel.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 12

Old Business:

B) Somers Realty Planned Hamlet/SP:

The Conservation Board will continue to review this application for Somers Realty Planned Hamlet as revisions are submitted.

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The Board members took no further action at this time.

C) St. Joseph's Church/JFK High School/Site Plan/Planning Board dated September 10, 2009, Proposed Church and Relocation of Athletic Fields at JFK High School, Response to TE comments July 2, 2009 and August 18, 2009, Site Plan and Zoning Table; Church & Parking Layout Plan; Sport Field 1 & 2; Fire Access Road Plan & Profile; Steep Slopes 25% & Greater; Tree Plan 1 to 4; Church Garage Driveway Profile; Onsite Wastewater Treatment; Steep Slopes, Wetlands & Wetland Buffer Map; Soil Hydrologic Map; Proposed Stormwater Management & Details; Sediment & Erosion Control Plan; Temporary Sediment Basin Plan; Watershed Map; Church Parking Lot Planting Plans, Details & Notes; Etc., (Rte. 138/across from Best Plumbing): (CF)

The Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School site plan, steep slopes, wetlands, wetland buffer map and response to the Town Engineer comments at their meeting.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 13

Old Business:

C) St. Joseph's Church/JFK High School/SP:

Board member Charles Friedberg reviewed the materials submitted and emailed a written report to the Board, as he was not able to attend the meeting.

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Report:

- The property in question is located on Rte. 138 across from the site of Best Plumbing.
- Board member Friedberg noted that the site plan was updated addressing comments made by Town Engineer Gagne, one of which was within the purview of the Conservation Board.
- Mr. Friedberg explained that in terms of other items that are within the Board's mandate, it did not appear that anything else had changed, i.e. tree plans, steep slopes, wetlands, etc. from the prior plans submitted.
- The item in question was marked as number 17:

Consider eliminating the grading proposed along the east side of the existing pond on Rte. 138 to reduce impacts to the pond allowing this area to revert back to nature.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 14

Old Business:

C) St. Joseph's Church/JFK High School/SP:

- The applicant's response and the plan demonstrated:

Acceptable, we will remove the shading for work no longer required in the wetland buffer and coordinate all other drawings to reflect the same.

- Board member Friedberg advised that he had no comments on the proposed changes to the plan.

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Chairman Meixner brought up the fact that there should be screening for the proposed parking lot for the Church. He explained that it should be high enough to block the parking lot from the nearby neighbors.

Board member Moriarty agreed and suggested that the applicants should consider planting some evergreens.

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

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 15

Old Business:

C) St. Joseph's Church/JFK High School/SP:

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A memo (#09-37) will be sent to the Planning Board stating that the Conservation Board reviewed the above Planning Board application for St. Joseph's Church/JFK High School site plan and the response to comments made by Town Engineer Gagne at their meeting on October 13, 2009.

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 consider some type of screening along the property line on the easterly side, (i.e. planting of evergreens, etc.).
- 2) These plantings should be of sufficient height so that the residents in the immediate area would not be able to see the Church parking lot.

The Conservation Board will continue to review the application for St. Joseph's Church/JFK High School as revisions are submitted.

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The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 16

New Business:

- A)** Opengate/Site Plan/Planning Board/Proposed Parking Lot Extension Opengate Campus/Sheet 17.06-1-3, New parking spaces (20) plus (8) relocated, Area of site activity-0.45 acres, Site Plan SP-1 dated 9-20-09; CM-1 Constraints/Soils Map dated 9-20-09; Survey of Property rev. dated 12-13-04; Pre & Post Development Peak Stormwater Analysis & Infiltration Computations dated 9-16-09; Corporate Affidavit of Ownership; Letter of Tax Exemption, (#28 Warren Street): (CF)
The Conservation Board will review the above Planning Board application for Opengate site plan, proposed parking lot extension, stormwater analysis and infiltration computations at their meeting.

Board member Charles Friedberg will review the materials submitted and give a report to the Board.

Chairman Meixner asked C.B. Secretary Ms. Davis to deliver the application to Mr. Friedberg, as he was not able to attend the meeting tonight.

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

- B)** Town Board Meeting/September 10, 2009/Waiver of need for Wetland Activity Permit for Anglefly Preserve Trails/Town Engineer review:
The Town Board discussed a waiver concerning the necessity of obtaining a wetland activity permit for the construction of the Anglefly Preserve Trails at their meeting on September 10, 2009.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 17

New Business:

B) Town Board Meeting/Waiver/Anglefly:

Open Space Committee Co-Chair Michael Barnhart came before the Town Board and asked that this waiver be granted. He mentioned that the DEC said that they would in all likelihood not need a permit for anything save those bridges that may cross the Anglefly. The Town Board agreed after some discussion on the matter that a review from the Town Engineer would be sufficient and timelier.

Chairman Meixner mentioned that at a minimum the Town should have to follow state guidelines for working in the wetlands. The Town cannot bypass the state requirements.

Board member Moriarty commented that they are probably concerned about the timeline and they want to move the process along quickly.

Chairman Meixner explained that the Trails are a good thing and we are not trying to impede construction, however, the wetlands should be protected and any potential problems addressed if necessary.

Board member Gloria Rosenzweig noted that at the very least the Administrative Review Team should be consulted with regards to these wetland permits.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 18

New Business:

B) Town Board Meeting/Waiver/Anglefly:

The Conservation Board members discussed the above matter and they decided to write a memo to the Town Board stating their concerns and recommendations.

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A memo (#09-38) will be sent to the Town Board stating that the Conservation Board reviewed the above Town Board decision regarding the waiver of the need for a wetland permit for the Anglefly Preserve Trails at their meeting on October 13, 2009.

The Board members discussed the proposed legislation regarding the administration of wetland areas in the Anglefly Preserve by the Town Engineer and decided that they would offer their comments on this matter.

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

- 1) The Plumbrook tributaries are protected waterways by law and they should require some kind of oversight by the Conservation Board.
- 2) The Board members would like to suggest that the Administrative Review Team - at the very least - should be utilized to review these permits.
 - To by-pass, this newly created forum (Administrative Review Team) could be a grave mistake for the future of the Anglefly Preserve and the Town.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 19

New Business:

B) Town Board Meeting/Waiver/Anglefly:

- The Town should make use of the tools that they have created to protect the environment. We believe that this would be an appropriate use.
- 3) State requirements would also be necessary and the DEC and DEP would have to submit their input in this matter.
- The Board members would like something in writing from those organizations (DEC/DEP) stating their recommendations and concerns on these protected wetlands.

The Conservation Board respectfully requests a response to this memo from the Town Board.

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The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 20

New Business:

- C)** Somers Realty Planned Hamlet/Site Plan/Planning Board/Preliminary Subdivision Plat & Application dated 9-14-09; Road Construction Plan dated 9-14-09, Prepared by Keane Coppelman Engineers, PC, (Rte. 6/Mahopac Avenue): (JM)

The Conservation Board will review the above Planning Board application for Somers Realty Planned Hamlet site plan, preliminary subdivision plat and road construction plan at their meeting.

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.

- D)** Wright's Court/formerly Barlow Ct./Hallic Pl./Site Plan/Planning Board dated 9-28-09, SEQR EAF – Part 1 Prepared by Kellard Sessions Consulting, PC, dated 9/09; Maintenance, Pesticides & Herbicides Program Notes prepared by Rosedale Nurseries, Inc. dated 9-09, (Scott Drive/off Rte.100): (FL)

The Conservation Board will review the above Planning Board application for Wright's Court site plan, maintenance, pesticides/herbicides program notes at their next meeting.

Board member Dr. Frank Lapetina will review the materials submitted and give a report to the Board.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 21

New Business:

D) Wright Court/SP:

Chairman Meixner asked C.B. Secretary Ms. Davis to deliver the application to Dr. Lapetina for his input at the next meeting.

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

E) Sussmann Mobil Station/Site Plan/Planning Board, Memorandum dated September 23, 2009 providing additional information and responses to comments, (Rte. 100/opposite IBM): (GM)

The Conservation Board will review the above Planning Board application for Sussmann Mobil Station site plan and memorandum at their next meeting.

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

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

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 22

New Business:

- F)** Deodhari/Wetland Activity Permit/Administrative/Application/Sketch dated September 25, 2009, Replacement of Existing Shed, Section 26.12, Block 2, Lot 20, Prepared by Applicant, (SW side of Richard Somers Road/3000-ft. from Granite Springs Road): (FL-report)

The Conservation Board reviewed the above administrative application for Deodhari wetland activity permit and sketch for the replacement of the existing shed at their meeting.

Board member Dr. Frank Lapetina reviewed the materials submitted, attended the Administrative Review Team meeting and submitted a report for the benefit of the Board.

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Report:

- The parcel of property is located on the southwest side of Richard Somers Road in Granite Springs.
- The applicants reported that a tree fell on their existing outdoor metal shed located on the property (10 x 12-ft.).
- The owner/applicant submitted a permit requesting that he be able to construct the new shed a short distance away from the old, near his pool shed.
- The applicant specified that he would like to build the new shed with wood instead of metal (12 x 16-ft.).

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 23

New Business:

F) Deodhari/WAP/Administrative:

- The application noted that the new shed dimensions would also be changed from (existing/ 10 x 12-ft.) to (proposed/ 12 x 16-ft.).
- Dr. Lapetina recommended at the Administrative Review Team meeting that this application be approved, as he did not see any problem with the construction of the proposed shed.

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The Board members discussed the application among them and reviewed the plans submitted to the Board. There were no visible steep slopes or wetlands involved in the application.

They noted that the new shed was some distance from the old and a couple of feet larger, however they did not see a problem with the application as proposed.

The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 24

New Business:

- G)** The Mews @ Baldwin Place/Somers Realty Planned Hamlet/Site Plan/Planning Board dated September 28, 2009; Construction of 72 units of Senior Affordable Housing; Excavation/5,500 cut/6500 fill/Activity area 4.5 acres; (Plans dated 9-23-09) Steep Slopes Plan; Erosion & Sediment Control Plan; EAF; SP-1 Existing Conditions Plan; SP-2 Layout & Landscape Plan; SP-3 Grading & Utilities Plan; SP-5 Constraints & Soils Plan; D-1 Details; (Plans dated 9-30-09) A1.1, A1.2, A2-1, First and Second Floor Plan; (Plan dated 9-20-09) A2.2, Second Floor Plan; Prepared by Insite Engineering, (Rte 6 & Mahopac Avenue): (JM)
The Conservation Board will review the above Planning Board application for the Mews at Baldwin Place/Somers Realty Planned Hamlet, site plan, steep slopes, erosion/sediment control, grading, constraints and landscape plan 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.

- H)** NYSACC News/2009 Conference on the Environment/September 2009 Volume 33 No. 2/Trailways, etc.:
The Conservation Board acknowledges receipt of the above newsletter from the New York State Association of Conservation Commissions at their meeting.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 25

New Business:

H) NYSCC News 2009/Trailways:

The Board noted that the document had some articles of interest regarding the development of Trails in New York and the assistance of Conservation Advisory Councils. It also referred to assistance that is available for Trail development to New York State Communities.

The document stated that:

Trail development can directly support open space protection; can link conservation to other current concerns such as public health and economic revitalization; offer new ways to get people involved and promote safety and responsible use in parks.

The article further noted that:

If you need assistance getting a trail project started or increasing the use of an existing trail, Parks & Trails New York could help through its Healthy Trails, Healthy People Program. Five communities will be selected to receive help with technical issues, planning, public outreach, grant writing, fundraising, programming, organizational development and other activities critical to the success of your project. Potential applicants should contact Parks and Trails New York to discuss their projects. For information go to or call Parks and Trails New York at 518-434-1583.

The Board members took no further action at this time.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 26

New Business:

- I) Sussmann Mobil Station/Site Plan/Planning Board dated October 7, 2009, Response to Town Engineer Gagne's 10-2-09 memo: (GM)
The Conservation Board will review the above Planning Board application for Sussmann Mobil Station site plan, response to the memo from the Town Engineer at their next meeting.

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

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

There being no further business to discuss, a motion to adjourn was made at 9:30 PM by Board member Gloria Rosenzweig 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 October 27, 2009 at 7:30 PM.

**Conservation Board
Minutes of Meeting
October 13, 2009**

Page 27

Subsequent Conservation Board meetings are tentatively scheduled to be held at the Town House on November 10, 2009 and November 24, 2009 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